

MARYLAND & RARE BOOK ROOM
UNIVERSITY OF MARYLAND LIBRARY
COLLEGE PARK, MD.

DO NOT CIRCULATE



Digitized by the Internet Archive
in 2013

<http://archive.org/details/commissionmeetin01mary>

Maryland.
CONSTITUTIONAL CONVENTION COMMISSION.

COMMISSION MEETING

University of Maryland School of Law
Baltimore, Maryland

June 20, 1966

COMMISSION MEETING

Tidewater Inn, Easton, Maryland

July 17, 1966

(Part 1)

VOLUME I

CONSTITUTIONAL CONVENTION COMMISSION

WILLIAM PRESTON LANE, JR.
Honorary Chairman

H. VERNON ENEY
Chairman

ROBERT J. MARTINEAU
Secretary

E. DALE ADKINS, JR.	STANFORD HOFF
HARRY BARD	MARTIN D. JENKINS
CALHOUN BOND	CLARENCE W. MILES
ELSBETH LEVY BOTHE	EDWARD T. MILLER
FRANKLIN L. BURDETTE	CHARLES MINDEL
RICHARD W. CASE	JOHN W. MITCHELL
HAL C. B. CLAGETT	E. PHILLIP SAYRE
CHARLES DELLA	ALFRED L. SCANLAN
MRS. MAURICE P. FREEDLANDER	L. MERCER SMITH
JAMES O'C. GENTRY	MELVIN J. SYKES
JOHN R. HARGROVE	FURMAN L. TEMPLETON

WILLIAM C. WALSH

* * * * *

JOHN C. BROOKS
Executive Director

KALMAN R. HETTMAN
Assistant to the Executive Director

* * * * *

William Prescott Allen (*Resigned January 5, 1966*)
Ernest N. Cory, Jr. (*Resigned May 13, 1966*)
Walter R. Haile (*Resigned December 20, 1966*)
William J. McWilliams (*Resigned September 10, 1965*)
Ridgely P. Melvin, Jr. (*Resigned August 2, 1966*)
George L. Russell, Jr. (*Resigned July 12, 1966*)

* * * * *

700 Mercantile Trust Building
Baltimore, Maryland 21202

CONSTITUTIONAL CONVENTION COMMISSION

COMMITTEES

COMMITTEE ON ELECTIVE FRANCHISE
AND DECLARATION OF RIGHTS

James O'C. Gentry, Chairman
(appointed Chairman on
July 12, 1966)
Charles Della
Leah S. Freedlander
John R. Hargrove
(appointed on July 12, 1966)
Stanford Hoff
John W. Mitchell
(appointed on November 9, 1966)
Melvin J. Sykes
(appointed on July 12, 1966)
Lewis D. Asper, Reporter

* * * *

William Prescott Allen
(served until January 5, 1966)
Ernest N. Cory, Jr.
(served until May 13, 1966)
George L. Russell, Jr.
(served as Chairman until
July 12, 1966)

COMMITTEE ON THE LEGISLATIVE
DEPARTMENT

Harry Bard, Chairman
Charles Della
Edward T. Miller
Charles Mindel
Alfred L. Scanlan
John H. Michener, Reporter
(appointed on September 12, 1966)

* * * *

Martin D. Jenkins
(served until June 6, 1966)
William C. Walsh
(served until June 6, 1966)
Alexander Harvey, II
(served as Reporter until
September 12, 1966)

COMMITTEE ON THE EXECUTIVE
DEPARTMENT

E. Dale Adkins, Jr., Chairman
Calhoun Bond
Charles Mindel
E. Phillip Sayre
Furman L. Templeton
Garrett Power, Reporter

* * * *

Elsbeth Levy Bothe
(served until June 6, 1966)
Ernest N. Cory, Jr.
(served until May 13, 1966)

COMMITTEE ON THE JUDICIARY
DEPARTMENT

Robert J. Martineau, Chairman
(appointed Chairman on
August 2, 1966)
Elsbeth Levy Bothe
John R. Hargrove
(appointed on July 12, 1966)
Clarence W. Miles
Melvin J. Sykes
(appointed on July 12, 1966)
Lawrence F. Rodowsky, Reporter

* * * *

Richard W. Case
(served until June 6, 1966)
William J. McWilliams
(served as Chairman until
September 10, 1965)
Ridgely P. Melvin, Jr.
(served as Chairman from
September 10, 1965 to
August 2, 1966)
George L. Russell, Jr.
(served until July 12, 1966)
E. Phillip Sayre
(served until June 6, 1966)
L. Mercer Smith
(served until June 6, 1966)
William C. Walsh
(served until June 6, 1966)

COMMITTEE ON STATE FINANCE
AND TAXATION

Richard W. Case, Chairman
Calhoun Bond
Stanford Hoff
Martin D. Jenkins
L. Mercer Smith
Stephen H. Sachs, Reporter

* * * *

Harry Bard
(served until June 6, 1966)
Charles Mindel
(served until June 6, 1966)

COMMITTEE ON POLITICAL
SUBDIVISIONS AND LOCAL
LEGISLATION

Hal C. B. Clagett, Chairman
(appointed Chairman on
December 2, 1965)
Franklin L. Burdette
Leah S. Freedlander
Clarence W. Miles
(served as Chairman until
December 2, 1965)
L. Mercer Smith
John B. Howard, Reporter
(appointed on May 12, 1966)

* * * *

E. Dale Adkins, Jr.
(served until June 6, 1966)
William Prescott Allen
(served until January 5, 1966)
Walter R. Haile
(served from July 12, 1966 to
December 20, 1966)
William J. McWilliams
(served until September 10, 1965)
Ridgely P. Melvin, Jr.
(served until August 2, 1966)
Furman L. Templeton
(served until June 6, 1966)
John Martin Jones, Jr.
(served as Reporter until
February 23, 1966)

COMMITTEE ON MISCELLANEOUS
PROVISIONS

Elsbeth Levy Bothe, Chairman
Leah S. Freedlander
James O'C. Gentry
Furman L. Templeton
Lewis A. Noonberg, Reporter
(appointed February 26, 1966)

* * * *

William Prescott Allen
(served until January 5, 1966)
Ernest N. Cory, Jr.
(served until May 13, 1966)
Walter R. Haile
(served from July 12, 1966
to December 20, 1966)
Edward T. Miller
(served until June 6, 1966)
Frank A. DeCosta, Jr.
(served as Reporter until
February 22, 1966)

COMMITTEE ON STYLE

Franklin L. Burdette, Chairman
E. Dale Adkins, Jr.
Harry Bard
Richard W. Case
Martin D. Jenkins
Margaret Kostritsky, Reporter

* * * *

Calhoun Bond
(served until June 6, 1966)
Hal C. B. Clagett
(served until June 6, 1966)



COMMITTEE ON CONVENTION PROCEDURES

Alfred L. Scanlan, Chairman
Hal C. B. Clagett
James O'C. Gentry
Robert J. Martineau
Edward T. Miller
John W. Mitchell
(appointed on November 9, 1966)
E. Phillip Sayre
Eugene Pitrof, Reporter

* * * *

Franklin L. Burdette
(served until June 6, 1966)
Charles Della
(served until June 6, 1966)
Stanford Hoff
(served until June 6, 1966)
Clarence W. Miles
(served until June 6, 1966)
George L. Russell, Jr.
(served until June 6, 1966)

NAME INDEX

A

Pages

ADKINS, E. DALE, JR.	7 - 13
Member, Constitutional Convention Commission	
Chairman, Committee on the Executive Department	
Member, Committee on Style	
ASPER, LEWIS D.	14
Reporter, Committee on Elective Franchise and Declaration of Rights	

B

BARD, HARRY	15 - 21
Member, Constitutional Convention Commission	
Chairman, Committee on the Legislative Department	
Member, Committee on Style	
BOND, CALHOUN	22 - 24
Member, Constitutional Convention Commission	
Member, Committee on the Executive Department	
Member, Committee on State Finance and Taxation	
BOTHE, ELSBETH LEVY	25 - 30
Member, Constitutional Convention Commission	
Chairman, Committee on Miscellaneous Provisions	
Member, Committee on the Judiciary Department	
BROOKS, JOHN C.	31 - 34
Executive Director, Constitutional Convention Commission	
BURDETTE, FRANKLIN L.	35 - 40
Member, Constitutional Convention Commission	
Chairman, Committee on Style	
Member, Committee on Political Subdivisions and Local Legislation	

C

CASE, RICHARD W.	41 - 46
Member, Constitutional Convention Commission	
Chairman, Committee on State Finance and Taxation	
Member, Committee on Style	

NAME INDEX

<u>C</u>	<u>Pages</u>
CLAGETT, HAL C. B. Member, Constitutional Convention Commission Chairman, Committee on Political Subdivisions and Local Legislation Member, Committee on Convention Procedures	47 - 55
<u>D</u>	
DELLA, CHARLES Member, Constitutional Convention Commission Member, Committee on Elective Franchise and Declaration of Rights Member, Committee on the Legislative Department	56 - 58
<u>E</u>	
ENEY, H. VERNON Chairman, Constitutional Convention Commission Chairman, Coordinating Committee	59 - 68
<u>F</u>	
FREEDLANDER, LEAH S. Member, Constitutional Convention Commission Member, Committee on Elective Franchise and Declaration of Rights Member, Committee on Political Subdivisions and Local Legislation Member, Committee on Miscellaneous Provisions	69 - 72
<u>G</u>	
GENTRY, JAMES O'C. Member, Constitutional Convention Commission Chairman, Committee on Elective Franchise and Declaration of Rights Member, Committee on Convention Procedures Member, Committee on Miscellaneous Provisions	73 - 77
GRAY, JOHN B., JR. Chairman, Citizens' Committee on the Constitutional Convention Referendum	78

NAME INDEX

<u>H</u>	<u>Pages</u>
HAILE, WALTER R. Member, Constitutional Convention Commission (Appointed July 12, 1966; resigned December 20, 1966, upon appointment as Associate Judge of the Circuit Court for Baltimore County)	79 - 81
HARGROVE, JOHN R. Member, Constitutional Convention Commission Member, Committee on Elective Franchise and Declaration of Rights Member, Committee on the Judiciary Department	82 - 83
HOFF, STANFORD Member, Constitutional Convention Commission Member, Committee on Elective Franchise and Declaration of Rights Member, Committee on State Finance and Taxation	84 - 86
<u>J</u>	
JENKINS, MARTIN D. Member, Constitutional Convention Commission Member, Committee on Style Member, Committee on State Finance and Taxation	87 - 89
<u>K</u>	
KOSTRITSKY, MARGARET Reporter, Committee on Style	90
<u>L</u>	
LANE, WILLIAM PRESTON, JR. Honorary Chairman, Constitutional Convention Commission Member, Coordinating Committee	91 - 92
LOEVY, ROBERT D. Consultant to the Constitutional Convention Commission	93

NAME INDEX

	<u>Pages</u>
MARTINEAU, ROBERT J. Secretary, Constitutional Convention Commission Member, Coordinating Committee Member, Committee on Convention Procedures	94 - 101
MELVIN, RIDGELY P., JR. Member, Constitutional Convention Commission (Appointed September 17, 1965; resigned August 2, 1966, upon appointment as Associate Judge of the Circuit Court for Anne Arundel County) Served as Chairman of the Committee on the Judiciary Department and as a member of the Committee on Political Subdivisions and Local Legislation	102
MICHENER, JOHN H. Reporter, Committee on the Legislative Department	103 - 104
MILES, CLARENCE W. Member, Constitutional Convention Commission Member, Committee on the Judiciary Department Member, Committee on Political Subdivisions and Local Legislation	105
MILLER, EDWARD T. Member, Constitutional Convention Commission Member, Committee on Convention Procedures Member, Committee on the Legislative Department	106 - 111
MINDEL, CHARLES Member, Constitutional Convention Commission Member, Committee on the Executive Department Member, Committee on the Legislative Department	112 - 113
MITCHELL, JOHN W. Member, Constitutional Convention Commission Member, Committee on Convention Procedures Member, Committee on Elective Franchise and Declaration of Rights	114

NAME INDEX

	<u>Pages</u>
<u>N</u>	
NOONBERG, LEWIS A. Reporter, Committee on Miscellaneous Provisions	115
<u>P</u>	
POWER, GARRETT Reporter, Committee on the Executive Department	116
<u>R</u>	
RODOWSKY, LAWRENCE F. Reporter, Committee on the Judiciary Department	117
RUSSELL, GEORGE L., JR. Member, Constitutional Convention Commission (Resigned July 12, 1966, upon appointment as Associate Judge of the Supreme Bench of Baltimore City) Served as Chairman of the Committee on Elective Franchise and Declaration of Rights and as a member of the Committee on Convention Procedures and of the Committee on the Judiciary Department	118
<u>S</u>	
SACHS, STEPHEN H. Reporter, Committee on State Finance and Taxation	119
SAYRE, E. PHILLIP Member, Constitutional Convention Commission Member, Committee on Convention Procedures Member, Committee on the Executive Department	120 - 125
SCANLAN, ALFRED L. Member, Constitutional Convention Commission Chairman, Committee on Convention Procedures Member, Coordinating Committee Member, Committee on the Legislative Department	126 - 131

NAME INDEX

<u>S</u>	<u>Pages</u>
SMITH, L. MERCER Member, Constitutional Convention Commission Member, Committee on Political Subdivisions and Local Legislation Member, Committee on State Finance and Taxation	132
SYKES, MELVIN J. Member, Constitutional Convention Commission Member, Committee on Elective Franchise and Declaration of Rights Member, Committee on the Judiciary Department	133 - 136
<u>T</u>	
TEMPLETON, FURMAN L. Member, Constitutional Convention Commission Member, Committee on the Executive Department Member, Committee on Miscellaneous Provisions	137
<u>W</u>	
WALSH, WILLIAM C. Member, Constitutional Convention Commission Member, Coordinating Committee	138
WINSLOW, CLINTON I. Consultant to the Constitutional Convention Commission Vice Chairman, Citizens' Committee on the Constitutional Convention Referendum	139 - 140

INDEX

JUDGE E. DALE ADKINS, JR.

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Fifth	I	6/20/66	61	
Convention Procedures	Sixth	VI	10/14/66	275, 276, 295, 305, 368	
Declaration of Rights	Sixth	III	8/21/66	136	Section 1
				177	Religion
			8/22/66	15, 37, 40	Rights
				60	Search and seizure
				73, 80, 86	Rights of accused
				139	Venue
Elective Franchise	Third	I	6/20/66	227	Subdivision elections
Elective Franchise	Fourth	II	7/17/66	170, 179, 189, 191, 196, 230	Subdivisions
				268, 274, 276	Referendum
Elective Franchise	Fifth	III	8/21/66	42	Referendum
Executive	Third	II	7/17/66	16	General
				35	Executive Department
				46	Boards

INDEX

JUDGE E. DALE ADKINS, JR. (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Executive (Continued)	Third	I	7/17/66	75	Executive department
				66	Lieutenant governor
				82	Qualifications of governor
				114	Convening General Assembly
				111	Addressing General Assembly
				118, 125	Repreives
				88, 96	Election of governor and lieutenant governor
		IV	9/18/66	181, 185, 188, 189, 194, 195, 205, 218, 220, 221	Succession
				224, 226, 233, 234, 236	Veto
				250	Supplementary appropriations
				220	Changes
				224, 227, 228, 233, 237	Vacancies
				238, 242	Requiring information

INDEX

JUDGE E. DALE ADKINS, JR. (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Executive (Continued)	Third	VII	10/15/66	248, 252, 259, 265, 267, 270, 290, 292, 299, 301	Executive department
Executive	Seventh	XI	12/3/66	183 191, 200, 212 227	Board of Public Works Comptroller Fiscal department
Finance	First	IV	9/19/66	54, 84	State debt
Finance	Second	VI	10/14/66	137, 145	Hearing for budget bill
Judicial	Third	III	8/22/66	174 186, 187 208 214, 231 291	Section 1 Section 2, Supreme Court Resident judges District Court Judicial selection
Judicial	Fourth	V	9/19/66	216 231, 242 264	Judicial rule Eligibility Supreme Court



INDEX

JUDGE E. DALE ADKINS, JR. (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Judicial (Continued)	Fourth	V	9/20/66	20	Eligibility
				69	Term of office
				91	Retirement
				111	Compensation
				122	Removal
				126	Clerks
Judicial	Fifth	VII	10/15/66	190	Pensions
				197, 199, 201, 209	Pensions and nonjudicial activities
Legislative	Second	I	6/20/66	88	Bicameralism v. Unicameralism
Legislative	Third	I	6/20/66	109	Legislative term
				147, 149, 163	Length of session and continuous session
				255	Number of members
				261	Legislative districts
Legislative	Fourth	II	7/18/66	315	Members of House
				326, 337	Legislative districts
				399	Redistricting

INDEX

JUDGE E. DALE ADKINS, JR. (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative (Continued)	Fourth	II	7/18/66	419	Election for four-year term
				446	Continuing body
				513, 515, 521	Vacancies
Legislative	Fifth	III	8/21/66	201	Legislative districts
				266, 270	House, judge of rules
				277, 278	Journal
Legislative	Sixth	IV	9/18/66	32	Extraordinary vote
				49	Reapportionment
				97	Vacancy
				104, 107	Subpoena
Legislative	Seventh	VII	10/16/66	37	Convening self- continuing body
				54, 56, 59, 66, 72, 74, 76, 80, 82, 91	Subpoena power
				94	Impeachment
		VIII	10/24/66	162	Bicameralism v. Unicameralism

INDEX

JUDGE E. DALE ADKINS, JR. (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Miscellaneous Provisions	Fifth	VII	10/15/66	42, 53	Education
				83, 121	University of Maryland
Miscellaneous Provisions	Seventh	XI	12/3/66	158	Constitutional revision
Miscellaneous Provisions	Eighth	XI	12/19/66	50, 52	Oath and subversive activities
Political Subdivisions	Fifth	V	9/20/66	201, 205, 214	Intergovernmental authorities and monetary powers
				274	General laws and classification
Political Subdivisions	Sixth	VIII	10/24/66	204	Section 1
				265	Changing counties
				330	Municipal government
		IX	10/25/66	95, 102, 125, 138	Regional governments and authorities
Political Subdivisions	Seventh	X	11/21/66	104, 155, 156, 158, 169	Regional governments and authorities
				261, 263, 273, 282	Structure of county government

INDEX

JUDGE E. DALE ADKINS, JR. (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions (Continued)	Seventh	X	11/21/66	286, 289, 295, 303, 327	Charter government and powers
		XI	12/3/66	257, 272	Intergovern- mental cooperation

INDEX

PROFESSOR LEWIS D. ASPER

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Declaration of Rights	Sixth	III	8/21/66	115	Section 1, language, general
				147	Peaceably to assemble
				181	Religion
			8/22/66	5	Eminent domain
				16	Rights
				45	Bills of attainder
				55, 58	Search and seizure
				75	Rights of accused
				125	Excessive bail
Elective Franchise	Third	I	6/20/66	226	Election, political subdivisions
Elective Franchise	Fourth	II	7/17/66	142	Disqualification, voting
				160, 162	Legislative districts
				172	Residency
				177, 178, 181, 213	Subdivision requirements
				283	Referendum
Elective Franchise	Fifth	III	8/21/66	41, 56, 59	Referendum

INDEX

DR. HARRY BARD

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Fifth	I	6/20/66	41, 50	
Convention Procedures		XI	12/3/66	42, 59, 73	
Declaration of Rights	Sixth	III	8/21/66	95, 105	Section 1, language
				152	Peaceably to assemble
Elective Franchise	Fourth	II	7/17/66	148	Disqualifica- tion, voting
				157	Legislative districts
				237	Initiative
				249, 294	Referendum
Elective Franchise	Fifth	III	8/21/66	53, 75, 76, 79	Referendum
Executive	Third	I	7/17/66	44, 58	Constitutional offices
				71	Lieutenant governor
Executive	Fourth	I	7/17/66	104	Election, governor and lieutenant governor
Executive	Sixth	VII	10/15/66	248	Requiring information
				274	Executive department

INDEX

DR. HARRY BARD (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Executive	Seventh	XI	12/3/66	205	Treasurer, comptroller
Finance	First	IV	9/19/66	120	State credit
		V		156, 158, 165	State credit
Finance	Third	VIII	10/24/66	59	Taxes
Judicial	Fourth	V	9/20/66	32, 88	Eligibility, nominations
				71	Term of office
Judicial	Sixth	IX	10/25/66	272	Pensions and other nonjudicial activities
Judicial	Seventh	XI	12/3/66	294, 303	Poll
Legislative	Second	I	6/20/66	71	Bicameralism v. Unicameralism
Legislative	Third	I	6/20/66	100, 116	Terms, staggered
				119	Salary
				139, 160	Length of sessions
				168, 179, 180	Eligibility
				239	Election of members
				241	Vacancies
				247, 254	Number of members
				256, 265	Legislative districts

INDEX

DR. HARRY BARD (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative	Fourth	II	7/18/66	310	Bicameralism
					v.
					Unicameralism
				313	Members of House
				318, 322, 340	Legislative districts
				346, 349, 358	Representatives in districts
				352, 406	Redistricting
				418	Election for four-year term
				428, 433, 435, 451	Continuing body
				470, 475	Maximum session
Legislative	Fifth	III	8/21/66	480, 486	Salary
				491, 493, 497	Eligibility
				513, 522	Vacancy
				197	Districts
				214, 216, 220	Redistricting
				231	Four-year term
				233	Continuing session
				251, 255	Eligibility
				265	House, judge of
				284, 291	Origin of bills

INDEX

DR. HARRY BARD (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative	Sixth	IV	9/18/66	18	
				20, 26,	Extraordi-
				28, 36,	nary vote
				41	
				44, 46,	Reappor-
				50, 53	tionment
				99	Holding
					offices
				100	Legislative
					immunity
				101, 105,	Subpoena
				110	
				71	Length of
					session
				81, 83,	Vacancies
				90, 94	
				140	Expulsion
				151	Journal
				157, 169	Impeach-
					ment
Legislative	Seventh	VII	10/16/66	173, 174	Origin of
					bills
				177	Style of
					laws
				178	Other
					sections
Legislative	Seventh	VII	10/16/66	179	Compensa-
					tion in
					office
				245	Extraordi-
Legislative	Seventh	VII	10/16/66		nary vote
				2, 6	General
				14, 17,	Continuing
				23, 32,	body, con-
				34, 38	vening self
Legislative	Seventh	VII	10/16/66	45	Vacancies

INDEX

DR. HARRY BARD (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative (Continued)	Seventh	VII	10/16/66	50, 61	Subpoena power
				91	Publication of journal
				93, 102	Impeachment
				105	Draft bills
				108	Bicameralism v. Unicameralism
		VIII	10/24/66	148, 190	Bicameralism v. Unicameralism
		IX	10/25/66	241	Extraordinary vote
				276, 281, 282, 289, 299	Impeachment
Miscellaneous Provisions	Fourth	II	7/18/66	539, 552, 556, 570	Education
				582	University of Maryland
		IV	9/18/66	269	Militia
Miscellaneous Provisions	Fifth	VII	10/15/66	40, 56, 63	Education
				109, 116, 133	University of Maryland
Miscellaneous Provisions	Special	VIII	10/24/66	103, 109, 111, 118, 134, 136	University of Maryland

INDEX

DR. HARRY BARD (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Miscellaneous Provisions	Sixth	XI	12/3/66	123	Trial by jury in civil cases
Miscellaneous Provisions	Seventh	XI	12/3/66	143	Constitutional revision
Political Subdivisions	Fifth	V	9/20/66	172	Baltimore as county
				183	Regional governments
				274	Classification and general laws
Political Subdivisions	Sixth	VIII	10/24/66	242, 258	Changing counties
				284, 288	Classification
		IX	10/25/66	35	County lines
				56	Intergovernmental authorities
				124, 163	Regional governments and authorities
Political Subdivisions	Seventh	X	11/21/66	43, 58, 60, 62	Creating counties
				103, 148, 161	Regional governments and authorities
				174	Power of regions
				227, 230	Classification
				298	Charter government and power

INDEX

DR. HARRY BARD (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions (Continued)	Seventh	X	11/21/66	326	Charter government and power
				336, 338, 345, 363, 376	Municipal corporations
		XI	12/3/66	266	Intergovern- mental authorities
[General]		IX	10/25/66	222, 228	Constitutional amendments, November

INDEX

CALHOUN BOND

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Sixth	VI	10/14/66	215, 224, 225, 242, 247, 253, 272, 285, 322, 327, 378	Enabling Act
Convention Procedures		XI	12/3/66	25, 53, 73, 76	
Declaration of Rights	Sixth	III	8/21/66	145	Peaceably to assemble
				175, 189	Religion
			8/22/66	14, 33	Rights
				76	Rights of accused
Elective Franchise	Fourth	II	7/17/66	201, 203	Subdivision requirements
				249, 253, 291	Referendum
Elective Franchise	Fifth	III	8/21/66	62, 68	Referendum
Executive	Third	I	7/17/66	42, 53	Constitutional offices
				98	Election of governor and lieutenant governor
				123	Reprieves
Executive	Sixth	VII	10/15/66	254, 272, 275, 288	Executive department appointments

INDEX

CALHOUN BOND (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Finance	Third	VIII	10/24/66	58, 69	Taxes
Judicial	Fourth	V	9/19/66	295, 305	District Court
			9/20/66	6	Administration
				49	Eligibility
				75	Term of office
				128	Clerks
Judicial	Fifth	VII	10/15/66	171	Rule
Judicial	Seventh	XI	12/3/66	282	Power of commissioners
				290	Poll of lawvers
Legislative	Fourth	II	7/18/66	387	Representatives in district
				421	Election for four-vear term
				436, 438	Continuing body
				494, 506	Eligibility
Legislative	Fifth	III	8/21/66	209	Districts
				235, 243	Continuous session
				268, 273	House, judge of
				296	Law in effect



INDEX

CALHOUN BOND (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative	Sixth	IV	9/18/66	108, 110, 121	Subpoena power
Legislative	Seventh	VII	10/16/66	57, 63	Subpoena power
		VIII	10/24/66	158, 186	Bicameralism v. Unicameralism
Miscellaneous Provisions	Fourth	II	7/18/66	551	Education
		IV	9/18/66	261, 264, 274, 278	Militia
Miscellaneous Provisions	Fifth	VII	10/15/66	57 117	Education University of Maryland
Miscellaneous Provisions	Special	VIII	10/24/66	141	University of Maryland
Miscellaneous Provisions	Eighth	XI	12/19/66	39, 73	Subversive activities and oath
Political Subdivisions	Fifth	V	9/20/66	207, 215	Intergovernmental authorities and monetary powers
Political Subdivisions	Sixth	VIII	10/24/66	239, 260	Changing counties
Political Subdivisions	Seventh	X	11/21/66	362	Municipal corporations
				394, 396, 400	Financing subdivision agencies
		XI	12/3/66	268	Intergovernmental activities

INDEX

MRS. ELSBETH LEVY BOTHE

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Sixth	VI	10/14/66	236, 241, 248, 271, 285, 288, 301, 315, 329, 335, 337, 343, 362, 370	Enabling Act
		XI	12/3/66	58	
Declaration of Rights	Sixth	III	8/21/66	116	Section 1, language, general
				142, 164	Peaceably to assemble
				172, 177, 179, 183, 193	Religion
			8/22/66	13, 17, 30	Rights
				42, 53, 57	Search and seizure
				75, 99	Rights of accused
				104, 107	Double jeopardy
Declaration of Rights	Eighth	V	9/20/66	148	Section 3, redraft
Elective Franchise	Third	I	6/20/66	199, 204	Disqualifi- cation
Elective Franchise	Fourth	II	7/17/66	137, 141, 147, 155	Disqualifi- cation, voting

INDEX

MR. ELSBETH LEVY BOTHE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Elective Franchise (Continued)	Fourth	II	7/17/66	216	Subdivision requirements
				264	Referendum
Executive	Fourth	I	7/17/66	41	Constitutional offices
				121	Reprieves
		IV	9/18/66	221	Succession
Executive	Sixth	VII	10/15/66	264, 276, 296	Executive departments
Finance	Second	VI	10/14/66	49, 65	Legislative, judicial, and school budgets
				135	Hearing, budget bill
Finance	Third	VIII	10/24/66	54	Taxes
Judicial	Third	III	8/22/66	173	Section 1
				195	Residence requirements, districts
				223	District Court
				272	Rule power
Judicial	Fourth	V	9/19/66	213	Judicial rules
				237	Eligibility
				278	Superior Court
				286, 291, 306	District Court

INDEX

MRS. ELSBETH LEVY BOTHE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Judicial (Continued)	Fourth	V	9/20/66	16	Eligibility
				54, 55, 64	Term of office
Judicial	Fifth	VII	10/15/66	167	Changes
				203	Pensions and nonjudicial activities
Judicial	Sixth	IX	10/25/66	257	Residence, judges
				262, 264, 266, 267 268, 271	Pensions and nonjudicial activities
Judicial	Seventh	XI	12/3/66	287, 297, 299, 303	Poll
Legislative	Third	I	6/20/66	128	Interim provisions
				182	Eligibility, oath of office
				247	Vacancy
				262	Legislative districts
Legislative	Fourth	II	7/18/66	407, 409, 413	Redistricting
				450	Continuing body
				501	Eligibility
				516, 518	Vacancy

INDEX

MRS. ELSBETH LEVY BOTHE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative	Fifth	III	8/21/66	208	Districts
				255	Holding other offices
				269	House, judge of
				285, 286	Bill origin
Legislative	Sixth	IV	9/18/66	113, 120, 126	Subpoena
		IX	10/25/66	248	Extraordinary vote
				287, 296, 308, 311	Impeachment
Miscellaneous Provisions	Third	II	7/18/66	527	Judge of law
Miscellaneous Provisions	Fourth	II	7/18/66	529, 531, 533, 536, 540, 542, 543, 561, 565, 568	Education
				571, 578	University of Maryland
		IV	9/18/66	256, 263, 266, 275, 277	Militia
Miscellaneous Provisions	Fifth	VII	10/15/66	15, 21, 27, 29, 32, 34, 36, 38, 43, 50	Education
				19, 65, 76, 81, 88, 92, 93, 95, 97, 128, 137, 141, 143	University of Maryland

INDEX

MRS. ELSBETH LEVY BOTHE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Miscellaneous Provisions	Special	VIII	10/24/66	90, 92, 98, 105, 129, 144	University of Maryland
Miscellaneous Provisions	Sixth	XI	12/3/66	78, 84 86 85, 91, 96 99 99 100, 105, 106, 110, 118, 125, 131, 133 135	Penalty for refusing oath Bribery Indeterminate sentence Office of surveyor Fees of office Trial by jury in civil cases How officers qualify, oath filed
Miscellaneous Provisions	Seventh	XI	12/3/66	135, 137, 141, 148, 150, 154, 164	Constitutional revision
Miscellaneous Provisions	Eighth	XI	12/3/66	165, 168 171, 175	Public commissions and grants Subversive activities
			12/19/66	29, 41, 44, 54, 63, 69	Oath and subversive activities

INDEX

MRS. ELSBETH LEVY BOTHE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions	Fifth	V	9/20/66	248, 253, 264	Power of counties
Political Subdivisions	Sixth	VIII	10/24/66	207, 252	Changing counties
		IX	10/25/66	25	County lines
				97, 104, 109	Regional governments and authorities
				175	Regional governments
				215	Municipalities
				180, 182, 184	Powers of regional governments
				237	Classification
				279	Structure of county governments
				323, 324	Charter governments and powers
				380	Intrastate intergovernmental cooperation
				397	Financing subdivision agencies
Political Subdivisions	Seventh	XI	12/3/66	262, 267, 268	Intergovernmental cooperation
[General]		IX	10/25/66	221	November amendments

INDEX

JOHN C. BROOKS

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Sixth	VI	10/14/66	216, 220, 230, 252, 258, 345, 348, 357, 361, 372, 375, 377, 379	Enabling Act
		VII	10/15/66	4, 12	
		XI	12/3/66	47	
Elective Franchise	Fourth	II	7/17/66	250	Referendum
Elective Franchise	Seventh	VI	10/14/66	209	Referendum
Executive	Sixth	VII	10/15/66	297, 300	Executive department
Executive	Seventh	XI	12/3/66	216	Treasurer, comptroller
Finance	First	V	9/19/66	186, 187, 190, 193	State debt
				133, 178	Loan credit
Judicial	Fourth	V	9/19/66	224	Judicial rule
			9/20/66	61, 74	Term of office
				116	Compensation

INDEX

JOHN C. BROOKS (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative	Third	I	6/20/66	105	Legislative term
				129	Salary schedule
Legislative	Fourth	II	7/18/66	420	Election, four-year term
				487	Salary
Legislative	Fifth	III	8/21/66	205	Districts
				258, 260	Vacancy
Legislative	Sixth	IV	9/18/66	32	Extraordinary vote
				158, 161	Impeachment
				241	Extraordinary vote
				8	Reapportionment
Legislative	Seventh	VII	10/16/66	96, 101, 103	Impeachment
		VIII	10/24/66	183	Bicameralism v. Unicameralism
		IX	10/25/66	302	Impeachment
Miscellaneous Provisions	Sixth	XI	12/3/66	89	Bribery
Political Subdivisions	Fifth	V	9/20/66	166	Elimination of new county provisions
				179, 192	Changing counties

INDEX

JOHN C. BROOKS (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions (Continued)	Fifth	V	9/20/66	181	Dormant regional governments
				228	Drafting, intergovern- mental cooperation
				261	Power of counties
				282	General laws of classifi- cation
Political Subdivisions	Sixth	VIII	10/24/66	240	Changing counties
				347	Authorities vs. regional government
	IX	IX	10/25/66	37	County lines
				60, 65	Intergovern- mental authorities
				69	Municipal corporations
				82, 84, 89, 90, 98, 105, 126, 154	Regional governments and authorities
				182, 186	County powers
				190, 197, 198, 203, 204	Classification
				214	Municipalities

INDEX

JOHN C. BROOKS (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions	Seventh	X	11/21/66	98, 99, 102, 121, 150, 165	Regional governments and authorities
				228, 231, 240, 241, 248	Classification
				305, 328	Charter government and powers
				338, 346, 368	Municipal corporations
				398	Finance, subdivision agencies
[Preliminary and General]		I	6/20/66	6	
		I	7/17/66	4	
		IV	9/18/66	3	
		IX	10/25/66	224	Constitutional amendments, November
		X	11/21/66	4, 7, 409	Other conventions

INDEX

DR. FRANKLIN L. BURDETTE

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Fifth	I	6/20/66	37, 56	
Convention Procedures	Sixth	VI	10/14/66	227, 286, 295, 296, 350, 395, 396	
		XI	12/3/66	35	
Declaration of Rights	Sixth	III	8/21/66	128, 131, 157, 168	Section 1, language Peaceably to assemble Religion
			8/22/66	28, 117	Rights Excessive bail
Elective Franchise	Third	I	6/20/66	199, 219, 235	Disqualifi- cation, penal servitude Date of election Election, political subdivisions
Elective Franchise	Fourth	II	7/17/66	151, 199, 212, 260, 269, 291	Disqualifi- cation Election, political subdivisions Referendum

INDEX

DR. FRANKLIN L. BURDETTE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Elective Franchise	Fifth	III	8/21/66	46, 65, 66, 76	Referendum
Elective Franchise	Seventh	VI	10/14/66	196, 206	Referendum
Executive	Third	I	7/17/66	26, 56, 63	Constitutional office
Executive	Fourth	I	7/17/66	83, 86	Qualifications of governor and lieutenant governor
				91	Election, governor and lieutenant
		IV	9/18/66	189, 201	Succession
				239	Veto
Executive	Sixth	VII	10/15/66	231	Vacancy
				246	Requiring information
Executive	Seventh	XI	12/3/66	217	Comptroller, treasurer
Finance	First	IV	9/19/66	38, 39, 42, 57, 72, 82	State debt
				174, 183	Loan state credit

INDEX

DR. FRANKLIN L. BURDETTE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Finance	Second	VI	10/14/66	115, 116	Budget bill
				136, 144, 147	Hearing budget bill
				162	Supplemental appropriations and emergency session
Finance	Third	VIII	10/24/66	13, 62 65	Taxes
				80	Lottery
Judicial	Third	III	8/22/66	177	Section 1
				191	Composition of Superior Court
				250, 256	Administration of courts
				269	Rule power
Judicial	Fourth	V	9/19/66	215	Judicial rule
				252	Eligibility
				269	Appellate court, by law
		V	9/20/66	43, 47 87	Eligibility
				95	Retirement
				103	Compensation

INDEX

DR. FRANKLIN L. BURDETTE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Judicial	Fifth	VII	10/15/66	197, 200, 202	Pension and non- judicial activities
Legislative	Second	I	6/20/66	81, 84	Unicameralism v. Bicameralism
Legislative	Third	I	6/20/66	144, 148	Length of session
				174, 183	Eligibility
				239	Election of members
				241	Vacancy
				259	Legislative districts
Legislative	Fourth	II	7/18/66	335	Legislative districts
				359, 390	Representa- tives in district
				422	Election for four-year term
				439	Continuing body
				503	Eligibility
Legislative	Fifth	III	8/21/66	203	Districts
				254	Vacancy
				265, 267	House, judge of
				280	Journal

INDEX

DR. FRANKLIN L. BURDETTE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative	Sixth	IV	9/18/66	77	Length of session
				94	Vacancy
				160, 165	Impeachment
Legislative	Seventh	VII	10/16/66	48	Vacancy
Miscellaneous Provisions	Fifth	VII	10/15/66	54, 60, 64	Education
				117	University of Maryland
Miscellaneous Provisions	Seventh	XI	12/3/66	152	Constitutional revision
Miscellaneous Provisions	Eighth	XI	12/19/66	58, 71	Oath and subversive activities
Political Subdivisions	Sixth	VIII	10/24/66	225	Changing counties
		IX	10/25/66	21	General remarks on county problems and regional government
				39	County lines
				99, 149	Regional governments and authorities
				184	County powers
Political Subdivisions	Seventh	X	11/21/66	53	Creating counties
				145, 186	Language

INDEX

DR. FRANKLIN L. BURDETTE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions (Continued)	Seventh	X	11/21/66	225	Financial powers
				252, 257,	Structure
				265, 271,	of county
				281	government
				322, 330	Charter government and powers
[General]				348, 350,	Municipalities
				353, 355,	
				356	
		XI	12/3/66	269	Intergovern- mental cooperation
		X	11/21/66	6	Other conventions

INDEX

RICHARD W. CASE

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>
Convention Procedures	Fifth	I	6/20/66	25, 60, 66
Convention Procedures	Sixth	VI	10/14/66	217, 218, Enabling Act 220, 239, 291, 297, 298, 358, 363, 367, 380
Convention Procedures		XI	12/3/66	50, 66, 70, 72, 75
Declaration of Rights	Sixth	III	8/21/66	91, 92, Section 1, 110, 111, language, 118, 126 general 142, 146 Peaceably 148, 152 to assemble 170, 184 Religion
Elective Franchise	Fourth	II	7/17/66	185, 202, Subdivision 222 requirements 256, 262, Referendum 266, 270, 300, 304
Elective Franchise	Fifth	III	8/21/66	26, 31, Requirements; 34 political subdivisions 44, 64, Referendum 65, 82, 84
Elective Franchise	Seventh	VI	10/14/66	195 Referendum

INDEX

RICHARD W. CASE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Executive	Third	I	7/17/66	37, 49, 52	Constitutional offices
				79	Executive department
				68, 73	Lieutenant governor
Executive	Fourth	I	7/17/66	124	Reprieves
				95	Election, governor and lieutenant governor
		IV	9/18/66	251	Supplementary appropriations
Executive	Seventh	XI	12/3/66	187, 202, 210	Treasurer and comptroller
				223	Fiscal department
Finance	First	IV	9/19/66	3	State department
				30	Tax anticipation borrowing
				21	Loan of credit.
				28	Eliminating sections
				30	Soldier's bonus
				36, 41, 45, 52, 64, 68, 78, 80, 84, 86	State debt

INDEX

RICHARD W. CASE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Finance (Continued)	First	IV	9/19/66	96, 103, 107, 110, 118, 119, 123, 127, 129, 134	Loan of state credit
		V	9/19/66	148, 160, 162, 166, 181	Loan of state credit
Finance	Second	VI	10/14/66	16, 27	Executive budget
				32, 39, 46, 50, 54, 58, 60	Legislative, judicial, and school budget
				70, 76, 81, 83, 86, 88, 104, 121, 123	Budget bill
				128, 130, 138, 143	Hearing for budget bill
				71, 152, 161, 165, 167, 173, 180	Supplementary appropriations and emergency sessions
Finance	Third	VIII	10/24/66	11, 14, 16, 19, 26, 47, 56, 82	Taxes
				71	Lottery
Judicial	Fourth	V	9/19/66	235	Eligibility
				266	Supreme Court composition and quorum

INDEX

RICHARD W. CASE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Judicial (Continued)	Fourth	V	9/19/66	272	Jurisdiction, appellate
				287, 288, 295	District Court
			9/20/66	24, 28, 30, 38	Eligibility
				67, 78	Term of office
				100	Compensation
				119, 121, 123	Removal
				125	Clerks
Legislative	Second	I	6/20/66	78	Bicameralism v. Unicameralism
Legislative	Third	I	6/20/66	105	Legislative term
Legislative	Fourth	II	7/18/66	321	Legislative districts
				368, 381, 394, 410, 411	Redistricting
				439	Continuing body
				495, 509	Eligibility
				422	Election, four-year term
				519, 522	Vacancy

INDEX

RICHARD W. CASE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative	Fifth	III	8/21/66	226, 230	Redistricting
				242	Continuing session
				252, 256	Vacancy
				272, 274	House, judge of
Legislative	Sixth	IV	9/18/66	51	Reapportionment
				89	Vacancy
				164, 170	Impeachment
				115, 127, 131	Subpoena
				175	Origin of bills
Miscellaneous Provisions	Fourth	II	7/18/66	549, 555, 562	Education
Miscellaneous Provisions	Fifth	VII	10/15/66	84, 98, 123	University of Maryland
Miscellaneous Provisions	Special	VIII	10/24/66	113, 138	University of Maryland
Miscellaneous Provisions	Sixth	XI	12/3/66	111, 113, 128	Trial by jury' in civil cases
Miscellaneous Provisions	Eighth	XI	12/19/66	60	Subversive activities and oath
Political Subdivisions	Sixth	VIII	10/24/66	229, 233, 237, 262	Changing counties

INDEX

RICHARD W. CASE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions (Continued)	Sixth	VIII	10/24/66	297, 302	Authorities and financial powers
				319, 326	County governments
				337	Municipal governments
				340	Interstate cooperation
Political Subdivisions	Seventh	X	11/21/66	49	Creating counties
				89, 100, 105, 110, 131, 153, 162	Regional governments and authorities
				195	Powers of counties
				201, 204, 206, 209, 212, 214	Financial powers
		XI	12/3/66	245, 249, 254	Intergovern- mental cooperation

INDEX

HAL C. B. CLAGETT

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Fifth	I	7/20/66	39	
Convention Procedures	Sixth	VI	10/14/66	220, 247, 327, 332, 357, 371	Enabling Act
Declaration of Rights	Sixth	III	8/21/66	123	Section 1, language, general
				141	Peaceably to assemble
				169	Religion
			8/22/66	29, 34, 42	Rights
				84, 85, 98	Rights of accused
				121	Double jeopardy
Elective Franchise	Third	I	6/20/66	198	Disqualification, convicted of crime
				213	Elections, political subdivisions
				221	Date of elections
				225	Elections, political subdivisions

INDEX

HAL C. B. CLAGETT (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Elective Franchise	Fourth	II	7/17/66	144	Disqualification, voting
				184	Election, political subdivisions
				257	Referendum
Elective Franchise	Fifth	III	8/21/66	34	Elections, political subdivisions
				47, 68, 70	Referendum
Elective Franchise	Seventh	VI	10/14/66	187	Disqualification
				200	Referendum
Executive		IV	9/18/66	202	Succession
Executive	Sixth	VII	10/15/66	271, 285	Executive department
Executive		XI	12/3/66	228	Fiscal department
Finance	First	IV	9/19/66	56	State debt
Finance	Second	IV	9/19/66	54	Legislative, judicial, and school budget
				130	Hearing for budget bill
Finance		V	9/19/66	171, 184	Supplementary appropriations and emergency sessions

INDEX

HAL C. B. CLAGETT (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Finance	Third	VIII	10/24/66	46, 57	Taxes
				81	Lottery
Judicial	Third	III	8/22/66	174, 178	Section 1
				198	Districts
				212, 218	District Court
				256	Removal of chief justice
Judicial	Fourth	V	9/19/66	220	Judicial rule
				268	Supreme Court compensation and quorum
				273	Jurisdiction, appellate court
				302, 305, 307, 308	District Court
				310	Commissioners
			9/20/66	14	Eligibility
				70	Term of office
				104	Compensation'
Judicial	Fifth	VII	10/15/66	170	Chief judge, Superior Court
				204	Pensions and nonjudicial activities
Judicial	Sixth	IX	10/25/66	267	Pensions and nonjudicial activities

INDEX

HAL C. B. CLAGETT (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Judicial	Seventh	XI	12/3/66	288, 289, 291, 296, 303	Poll of lawyers
Legislative	Second	I	6/20/66	80	Bicameralism v. Unicameralism
Legislative	Third	I	6/20/66	133	Interim salary
				268, 271	Legislative districts
Legislative	Fourth	II	7/18/66	339	Legislative districts
				375	Redistricting
				418	Election for four-year term
Legislative	Fifth	III	8/21/66	236	Continuing session
				254	Vacancy
				287	Origin of bill
Legislative	Sixth	IV	9/18/66	62	Reapportionment
				106, 116	Subpoena
				156, 164, 166	Impeachment
Legislative	Seventh	VII	10/16/66	70	Subpoena
		VIII	10/24/66	159	Bicameralism v. Unicameralism

INDEX

HAL C. B. CLAGETT (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Miscellaneous Provisions	Fourth	IV	9/18/66	269	Militia
Miscellaneous Provisions	Fifth	VII	10/15/66	134	University of Maryland
Miscellaneous Provisions	Special	VIII	10/24/66	142	University of Maryland
Political Subdivisions	Fifth	V	9/20/66	160, 165	General Baltimore development
				163	Elimination of new county provisions
				169	Baltimore as a county
				169, 174	Changing county lines
				174	County as basic sub-division
				182	Regional government
				176, 189, 190	Changing county lines
Political Subdivisions	Fifth	V	9/20/66	194, 203, 206, 211, 217, 218, 224	Intergovernmental authorities and monetary powers
				227, 228	Cooperation between civil divisions

INDEX

HAL C. B. CLAGETT (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions (Continued)	Fifth	V	9/20/66	233, 238	Intergovern- mental cooperation
				241, 244, 245, 247, 249, 253, 258	Power of counties
				267, 270, 273, 274, 275, 280	General laws and classifi- cation
Political Subdivisions	Sixth	VIII	10/24/66	203	Section 1
				206, 208, 211, 216, 222, 227, 232, 238, 250, 255, 264, 272, 278	Changing counties
				275, 277	Power of counties
				281, 285, 290, 295	Classification
				296, 299	Authorities and financial powers
				301	Inter-area cooperation
				309, 318, 320, 322, 324	County government
				328, 332, 334	Municipal government
				338	Interstate agreement

INDEX

HAL C. B. CLAGETT (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions (Continued)	Sixth	IX	10/25/66	19, 20	County problems and regional government
				29, 40, 44	County lines
				48, 58, 73	Intergovern- mental authorities
				99, 108, 111, 137, 143, 151, 159	Regional govern- ment and authorities
				175, 178	Regional govern- ment
				180, 184	County powers
				188, 193, 196, 205	Classification
				200	Intergovern- mental authorities and financial powers
				208	County govern- ment
				211	Municipalities
Political Subdivisions	Seventh	X	11/21/66	216	Intrastate agreement
				34	General article
				40, 44, 46, 56, 59	Creating counties



INDEX

HAL C. B. CLAGETT (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions (Continued)	Seventh	X	11/21/66	65, 77, 81, 83, 88, 90, 124, 130, 134, 139, 147, 151, 154, 160, 168	Regional government and authorities
				105, 175, 178	Power of regions
				188	Intergovern- mental authorities
				190	Power of counties
				208, 216, 217	Financial powers
				226, 231, 235, 238	Classification
				251, 256, 262, 267, 270, 278	Structure of county government
				296, 299, 301, 306, 309, 311, 313, 314	Charter government and powers of county govern- ment
				334	Amendment of charter
				335, 339, 342, 344, 354, 356, 358, 361, 372	Municipal corporations
				378	Intrastate agreement

INDEX

HAL C. B. CLAGETT (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>
Political Subdivisions (Continued)	Seventh	X	11/21/66	382, 383, Intergovern- 385, 387, mental 388 agreement
				389, 395, Financing sub- 397, 400 agencies
		XI	12/3/66	235, 239, Intergovern- 241, 243, mental 247, 255, agreement 257, 259, 262, 274
[General]		IX	10/25/66	223, 230 Constitutional amendments, November

INDEX

CHARLES DELLA

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Fifth	I	6/20/66	17, 38	
Convention Procedures	Sixth	VI	10/14/66	331	Enabling Act
		VII	10/15/66	8	
		XI	12/3/66	28, 45, 55	
Elective Franchise	Fourth	II	7/17/66	180	Subdivision requirements
				248, 258, 272, 276, 292	Referendum
Executive	Third	I	7/17/66	32, 40, 53	Constitutional offices
		IV	9/18/66	219	Succession
				233	Veto
Executive	Sixth	VII	10/15/66	225	Vacancy
Executive	Seventh	XI	12/3/66	210	Comptroller and treasurer

INDEX

CHARLES DELLA (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Judicial	Fourth	V	9/20/66	60, 66, 76	Term of office
Legislative	Fourth	II	7/18/66	322	Legislative districts
				387, 395	Redistricting
				424	Election for four-year term
				447	Continuing body
Legislative	Sixth	IV	9/18/66	254	Third reader bills
				29	Extraordinary vote
				76	Length of session
Legislative	Seventh	VII	10/16/66	21	Convening self- continuing body
				62	Subpoena power
		VIII	10/24/66	153	Bicameralism v. Unicameralism
Miscellaneous Provisions	Fifth	VII	10/15/66	28	Education
				80, 120	University of Maryland
Political Subdivisions	Fifth	V	9/20/66	208	Intergovern- mental authorities and monetary power
				234	Intergovern- mental authorities

INDEX

CHARLES DELLA (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions	Sixth	VIII	10/24/66	217, 224,	Changing
				236, 261	counties
				321, 323	County governments
Political Subdivisions	Seventh	X	11/21/66,	177	Powers of regions
				320	Charter govern- ment and powers of county government
				365	Municipalities
				397	Financing sub- agencies
		XI	12/3/66	253	Intergovern- mental cooperation

INDEX

H. VERNON ENEY

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>
Convention Procedures	Fifth	I	6/20/66	14, 29, 51
Convention Procedures	Sixth	VI	10/14/66	233, 251, Enabling Act 257, 258, 261, 264, 271, 303, 313, 315, 323, 324, 330, 337, 345, 353
		VII	10/15/66	4, 10
		XI	12/3/66	11, 33 Schedules 18, 56, 71, 77
		XI	12/19/66	8, 12, Schedules 18 24 Enabling Act
Declaration of Rights	Sixth	III	8/21/66	124 Section 1, language, general 141, 142, Peaceably 145, 157 to assemble
		III	8/22/66	20, 21, Rights 34 64, 66 Search and seizure 77, 83, Rights of 90 accused

INDEX

H. VERNON ENRY (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Declaration of Rights	Eighth	V	9/20/66	130	Redrafts 1-3
				154	Preamble
Elective Franchise	Third	I	6/20/66	212	Defining the scope of elections
				222	Date of elections
				227	Election, political subdivisions
Elective Franchise	Fourth	II	7/17/66	150	Disqualifica- tion, voting
				227	Election, political subdivisions
				274, 282	Referendum
Elective Franchise	Fifth	III	8/21/66	35	Election, political subdivisions
				46, 66	Referendum
Elective Franchise	Seventh	VI	10/14/66	199, 202	Referendum
Executive	Third	I	7/17/66	43, 60	Constitutional offices
Executive	Fourth	I	7/17/66	100	Election, governor and lieutenant governor
		IV	9/18/66	204, 211	Succession

INDEX

H. VERNON ENEY (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Executive	Sixth	VII	10/15/66	226, 229, 234, 236	Vacancy
				240, 243	Requiring information
				252, 256, 283, 291, 300	Executive department
Executive		XI	12/3/66	219	Treasurer, comptroller
Finance	First	IV	9/19/66	44, 55, 62, 72	State debt
				89, 94, 95, 106, 128	Loan credit
		V		157, 184	Loan credit
				188	Veteran's bonus
Finance	Second	VI	10/14/66	31	Executive budget
				51, 67	Legislative, judicial, and school budget
				79, 80, 82, 99, 110, 114	Budget bill
				133	Hearing for budget bill
				164, 166, 170, 172, 176	Supplementary appropriations bill and emergency sessions

INDEX

H. VERNON ENEY (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Finance	Third	VIII	10/24/66	20, 22, 52, 69	Tax
				79	Lottery
Judicial	Third	III	8/22/66	188	Supreme Court
				197	District residence requirements
				216, 235, 238	District Court
				231	Commissioners
				257	Administration of courts
				260	Rule power
				268, 281, 293	Judicial selections
Judicial	Fourth	V	9/19/66	209, 211, 218, 221, 224	Rules
				296, 301, 303, 305	District Court
				311	Commissioners
			9/20/66	8	Administration
				18, 36	Eligibility
				62, 64	Term in office
				104, 106	Compensation
Judicial	Fifth	VII	10/15/66	157	Changes
				186, 191	Pensions
				198, 212	Pensions and nonjudicial activities

INDEX

H. VERNON ENEY (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Judicial	Sixth	IX	10/25/66	252	Bail, clarifying language
				255	The word "judge"
				266	Pensions and nonjudicial activities
Judicial	Seventh	XI	12/3/66	281, 283	Power of commissioners
				292, 299, 301	Poll of lawyers
Legislative	Third	I	6/20/66	122	Salary
				152	Length of session
Legislative	Fourth	II	7/18/66	352	Representatives in district
				364, 369, 371, 378	Redistricting
				460	Continuing body
				473	Maximum sessions
				481, 483	Salary
Legislative	Fifth	III	8/21/66	221, 228	Redistricting
				238	Continuing session
				260	Vacancy
				277	Journal
				297	Effective date of laws

INDEX

H. VERNON ENEY (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative	Sixth	IV	9/18/66	23	Extraordinary vote
				61, 63	Reapportionment
				83	Vacancy
				144	Expulsion
				155, 158, 168, 170	Impeachment
				178	Other sections
				254	Amending third reader bills
Legislative	Seventh	VII	10/16/66	3	General
				7	Reapportionment
				21, 27, 29, 42	Convening self-continuing body
				52, 64, 71, 73, 80, 86, 90	Subpoena power
				94, 98, 100, 103	Impeachment
		VIII	10/24/66	106	Final judge
				188	Bicameralism v. Unicameralism
		IX	10/25/66	232	Extraordinary vote
				275, 279, 281, 283, 294, 297, 305, 314	Impeachment

INDEX

H. VERNON ENEY (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Miscellaneous Provisions	Fourth	II	7/18/66	557, 564	Education
Miscellaneous Provisions	Fifth	VII	10/15/66	58, 62	Education
				100, 129	University of Maryland
Miscellaneous Provisions	Special	VIII	10/24/66	99, 116, 146	University of Maryland
Miscellaneous Provisions	Sixth	XI	12/3/66	82, 84	Penalty for refusing oath
				87	Bribery
				131	New officers, qualifications and oath filed
Miscellaneous Provisions	Seventh	XI	12/3/66	140, 145	Constitutional revision
Miscellaneous Provisions	Eighth	XI	12/19/66	45, 59, 64	Subversive activities and oath
Political Subdivisions	Third	V	9/20/66	177, 191	Changing counties
				185	Regional government
				205, 221	Intergovernmental authorities and financial powers
				230	Drafting
				233, 236	Intergovernmental authorities

INDEX

H. VERNON ENEY (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions (Continued)	Third	V	9/20/66	244, 251, 255	Power of counties
				272, 283	General laws and classification
Political Subdivisions	Sixth	VIII	10/24/66	210, 216, 221, 226, 228, 239, 243	Changing counties
				287, 292	Classification
				304, 305	Authorities and financial powers
				317, 318	County governments
				332, 337	Municipal governments
				340	Interstate
		IX	10/25/66	4, 18, 23	General county problems and regional government
				26, 28, 41, 45	County lines
				66, 75	Intergovernmental authorities
				80, 88, 93, 95, 100, 102, 119, 130, 140, 145, 157, 164	Regional governments and authorities
				170, 174	Regional government

INDEX

H. VERNON ENEY (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions (Continued)	Sixth	IX	10/25/66	189, 190, 194, 207	Classification
				214	Municipal government
Political Subdivisions	Seventh	X	11/21/66	45, 50	Creating counties
				77, 93, 101, 106, 116, 152, 169	Regional governments and authorities
				174, 179, 183	Powers of regions
				188	Intergovernmental authorities
				192	Powers of counties
				198, 211, 215, 219	Financial powers of counties
				233, 235, 239, 243	Classification
				253, 261, 281	Structure of county government
				285, 297, 302, 304, 308, 319, 321, 323, 330	Charter government and powers of county government
				346, 372, 375	Municipal corporations
				384, 386	Intergovernmental cooperation

INDEX

H. VERNON ENEY (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions (Continued)	Seventh	X	11/21/66	390, 394	Financing subdivision agencies
		XI	12/3/66	242, 252, 255, 270, 272	Intergovern- mental cooperation
[General and Preliminary]		I	6/20/66	2	
		I	7/17/66	3	
		III	8/21/66	3	
		IV	9/18/66	5	
		VII	10/16/66	3	
		IX	10/25/66	217	November general amendments
		X	11/21/66	8, 404	Other conventions
		XI	12/3/66	4	
		XI	12/19/66	8, 12	General

INDEX

LEAH S. FREEDLANDER

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Sixth	VI	10/14/66	235, 246, 250, 343	Enabling Act
Declaration of Rights	Sixth	III	8/21/66	119	Section 1, language, general
				148	Peaceably to assemble
Elective Franchise	Fourth	II	7/17/66	145	Disqualifica- tion, voting
				219	Election, political subdivisions
Elective Franchise	Fifth	III	8/21/66	28	Election, political subdivisions
				58, 61	Referendum
Executive	Fourth	I	7/17/66	111	Addressing the General Assembly
		IV	9/18/66	197	Succession
Finance	First	IV	9/19/66	67	State debt
		V	9/19/66	164	Loan of credit
Finance	Second	VI	10/14/66	47, 53, 56, 66	Legislative, judicial, and school budget
				129	Hearing for budget bill
Finance	Third	VIII	10/24/66	22	Taxes



INDEX

LEAH S. FREEDLANDER (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Judicial	Third	III	8/22/66	247	Administration of courts
Judicial	Fourth	V	9/20/66	7	Administration of courts
				69	Term of office
Legislative	Third	I	6/20/66	126	Salary
				149	Length of session
Legislative	Fourth	II	7/18/66	438	Continuing body
				504	Eligibility
				518	Vacancy
Legislative	Fifth	III	8/21/66	215	Redistricting
				244	Continuing session
				267	House, judge of
Legislative	Seventh	VII	10/16/66	75, 85	Subpoena power
		VIII	10/24/66	157	Bicameralism v. Unicameralism.
		IX	10/25/66	297	Impeachment
Miscellaneous Provisions	Fourth	II	7/18/66	548, 558, 563	Education
		IV	9/18/66	268	Militia

INDEX

LEAH S. FREEDLANDER (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Miscellaneous Provisions	Fifth	VII	10/15/66	24, 31, 37, 48, 53, 58 115	Education University of Maryland
Miscellaneous Provisions	Special	VIII	10/24/66	141	University of Maryland
Miscellaneous Provisions	Eighth	XI	12/19/66	53	Subversive activities and oath
Political Subdivisions	Fifth	V	9/20/66	207, 221 277, 279	Intergovern- mental authorities and fiscal powers General laws and classifi- cation
Political Subdivisions	Sixth	VIII	10/24/66	243 286 332 340	Changing counties Classification Municipal government Interstate
		IX	10/25/66	21 34 51 111, 150	General problems of county and regional govern- ments County lines Intergovern- mental authorities Regional governments and authorities

INDEX

LEAH S. FREEDLANDER (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions	Seventh	X	11/21/66	44, 57	Creating counties
				120, 136	Regional governments and authorities
				214	Financial powers of counties
				268	Structure of county government
				292, 293, 294, 312	Charter government and powers of county government
				347	Municipal corporations



INDEX

JAMES O'C. GENTRY

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Sixth	VI	10/14/66	248, 312	Enabling Act
		XI	12/3/66	43	
Declaration of Rights	Sixth	III	8/21/66	87, 98	General
				111, 121, 132	Section 1, language
				144, 146	Peaceably to assemble
				166, 174, 196	Religion
			8/22/66	2	Equal protection
				12	Rights
				44	Bills of attainder
				46, 50, 59	Search and seizure
				67, 70, 72, 79, 99	Rights of accused
				103, 106, 108	Double jeopardy
				112	Excessive bail
				128	Habeas corpus
				129-136	Other articles in Declaration of Rights
				142-149	General



INDEX

JAMES O'C. GENTRY (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Declaration of Rights	Eighth	V	9/20/66	134	Redrafts
Elective Franchise	Third	I	6/20/66	225	Election, political subdivisions
Elective Franchise	Fourth	II	7/17/66	137, 138, 146	Disqualifica- tions, voting
				165	Legislative districts
				174, 188, 193	Political subdivisions, registrations
				234	Initiative
				242	Recall
				243, 270, 287, 301, 304	Referendum
Elective Franchise	Fifth	III	8/21/66	20, 24	Mental incompetency
				26, 30	Political subdivisions, registrations
				41, 55, 84	Referendum
Elective Franchise	Seventh	VI	10/14/66	187, 188	Disqualifica- tions
				189	Local elections
				190, 197, 201	Referendum

INDEX

JAMES O'C. GENTRY (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Executive	Sixth	VII	10/15/66	287, 288	Executive department
Finance	Second	VI	10/14/66	29	Executive budget
				63	Legislative, judicial, and school budget
				139	Hearing for budget bill
Finance	Third	VIII	10/24/66	15, 24	Taxes
Judicial	Fourth	V	9/20/66	71	Term of office
Judicial	Fifth	VII	10/15/66	215	Pensions and nonjudicial activities
Legislative	Second	I	6/20/66	86	Bicameralism v. Unicameralism
Legislative	Fourth		7/18/66	344	Legislative districts
				469	Maximum session
				478	Salary
Legislative	Fifth	III	8/21/66	244	Continuing session
Legislative	Seventh	VIII	10/24/66	151	Bicameralism v. Unicameralism

INDEX

JAMES O'C. GENTRY (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative (Continued)	Seventh	IX	10/25/66	237	Extraordinary vote
Miscellaneous Provisions	Fourth	II	7/18/66	547	Education
		IV	9/18/66	280	Militia
				37, 46	Education
Miscellaneous Provisions	Fifth	VII	10/15/66	114	University of Maryland
Miscellaneous Provisions	Special	VIII	10/24/66	108	University of Maryland
Miscellaneous Provisions	Sixth	XI	12/3/66	90	Bribery
				108, 120	Trial by jury in civil cases
Miscellaneous Provisions	Seventh	XI	12/3/66	144	Constitutional revision
Miscellaneous Provisions	Eighth	XI	12/3/66	167	Public commissions and grants
		XI	12/19/66	47, 51, 57	Subversive activities and oath
Political Subdivisions	Sixth	IX	10/25/66	25	County lines
				153	Regional government and authorities

INDEX

JAMES O'C. GENTRY (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions	Seventh	X	11/21/66	53	Creating counties
		XI	12/3/66	241, 260, 273	Intergovern- mental authorities

INDEX

JUDGE JOHN B. GRAY, JR.

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
General		I	6/20/66	166	General remarks
General		V	9/19/66	202ff.	Letter re: judicial rules



INDEX

WALTER R. HAILE

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Sixth	VI	10/14/66	254, 384	Enabling Act
Convention Procedures		XI	12/3/66	46, 67	
Declaration of Rights		III	8/22/66	4	Eminent domain
				23	Rights
				105	Double jeopardy
				114	Excessive bail
Elective Franchise	Fourth	II	7/17/66	190	Voting, political subdivisions
Elective Franchise	Fifth	III	8/21/66	50	Referendum
Finance	First	IV	9/19/66	58	State debt
Finance	Second	VI	10/14/66	57	Legislative, judicial, and school budget
				83, 95, 114	Budget bill
Finance	Third	VIII	10/24/66	47	Taxes
Executive		IV	9/18/66	203, 206	Succession
Executive	Sixth	VII	10/15/66	299	Executive department
Executive	Seventh	XI	12/3/66	229	Fiscal department

INDEX

WALTER R. HAILE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Judicial	Third	III	8/22/66	169, 178	Section 1
Legislative	Fourth	II	7/18/66	357	Representatives in district
Legislative	Sixth	IV	9/18/66	68	Reapportionment
Legislative	Seventh	VIII	10/24/66	168	Bicameralism v. Unicameralism
Miscellaneous Provisions	Fifth	VII	10/15/66	101	University of Maryland
Miscellaneous Provisions	Sixth	XI	12/3/66	109, 130	Trial by jury in civil cases
Political Subdivisions	Fifth	V	9/20/66	252	Power of counties
Political Subdivisions	Sixth	VIII	10/24/66	253	Changing counties
		IX	10/25/66	121	Regional governments and authorities
Political Subdivisions	Seventh	X	11/21/66	143	Language
				222	Financial powers of counties
				289	Charter government and powers of county government

INDEX

WALTER R. HAILE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions (Continued)	Seventh	X	11/21/66	369	Municipal corporations
				393	Financing subdivision agencies
		XI	12/3/66	250	Intergovern- mental cooperation



INDEX

JOHN R. HARGROVE

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Sixth	VI	10/14/66	227, 250, 271, 277, 284, 328	Enabling Act
		XI	12/3/66	33	
Elective Franchise	Fourth	II	7/17/66	220	Qualifications, political sub- divisions
Finance	Second	VI	10/14/66	81, 93	Budget bill
Executive	Third	I	7/17/66	125	Reprieves
Executive	Seventh	XI	12/3/66	212	Treasurer, comptroller
Judicial	Fourth	V	9/19/66	240	Eligibility
				289, 297	District Court
			9/20/66	14	Eligibility
				56	Term of office
Judicial	Fifth	VII	10/15/66	165	District Court
Judicial	Sixth	VIII	10/25/66	269	Pensions and nonjudicial activities
		XI	12/3/66	289	Poll of lawyers

INDEX

JOHN R. HARGROVE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative	Seventh	IX	10/25/66	286, 295	Impeachment
Miscellaneous Provisions	Sixth	XI	12/3/66	109, 115, 122, 128	Trial by jury in civil cases
Political Subdivisions	Sixth	VIII	10/24/66	214, 237	Changing counties
		IX	10/25/66	54, 63	Intergovernmental authorities
				161	Regional governments and authorities
Political Subdivisions	Seventh	X	11/21/66	393	Financing subdivision agencies

INDEX

STANFORD HOFF

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Sixth	VI	10/15/66	319, 334, 376	Enabling Act
Declaration of Rights		III	8/21/66	161, 163	Peaceably to assemble
Elective Franchise	Third	I	6/20/66	201	Disqualifica- tion, mentally incompetent
Elective Franchise	Fourth	II	7/17/66	194	Voting, political subdivisions
Elective Franchise	Seventh	VI	10/14/66	209	Referendum
Finance	First	IV	9/19/66	115, 127, 131	State credit
		V	9/19/66	158	State credit
Finance	Second	VI	10/15/66	45	Legislative, judicial, and school budget
Judicial	Third	III	8/22/66	235	District Court
Judicial	Fourth	V	9/20/66	13	Eligibility
Legislative	Second	I	6/20/66	80	Bicameralism v. Unicameralism
Legislative	Third	I	6/20/66	113	Legislative term
				131	Salary

INDEX

STANFORD HOFF (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative (Continued)	Third	I	6/20/66	159	Length of session
				262	Legislative districts
Legislative	Fourth	II	7/18/66	381, 387	Representatives in districts
				425	Election for four-year term
				490	Salary
Legislative	Fifth	III	8/21/66	211	Districts
				245	Continuous session
		IV	9/18/66	243	Extraordinary vote
Legislative	Seventh	VII	10/16/66	47	Vacancy
				78	Subpoena
		IX	10/25/66	293, 301	Impeachment
Miscellaneous Provisions	Fifth	VII	10/15/66	61	Education
				122	University of Maryland
Miscellaneous Provisions	Special	VIII	10/24/66	142	University of Maryland
Miscellaneous Provisions	Eighth	XI	12/19/66	52	Oath and subversive activities
Political Subdivisions	Fifth	V	9/20/66	251	Power of counties



INDEX

STANFORD HOFF (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions	Sixth	VIII	10/24/66	274	Changing counties
				334	Municipal government
		IX	10/25/66	54	Intergovern- mental authorities
				97	Regional government v. authorities
Political Subdivisions	Seventh	X	11/21/66	217, 218	Financial powers of counties
				236	Language re: classifi- cation
				360, 365, 366	Municipal corporations



INDEX

DR. MARTIN D. JENKINS

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Fifth	I	6/20/66	67	
Convention Procedures	Sixth	VI	10/14/66	239, 250, 269, 300, 347, 373	Enabling Act
		XI	12/3/66	52	
Declaration of Rights	Sixth	III	8/21/66	195	Religion
			8/22/66	10, 22, 25, 36	Rights
Elective Franchise	Fourth	II	7/17/66	209	Voting, political subdivisions
				267	Referendum
Finance	First	IV	9/19/66	113, 131, 132	State credit
Finance	Second	VI	10/14/66	137	Hearing for budget bill
Executive	Third	I	7/17/66	30, 48	Executive department
Executive	Fourth	I	7/17/66	123	Reprieves
		IV	9/18/66	198	Succession



DR. WILLIAM D. JENNINGS (Continued)

<u>Committee</u>	<u>Session</u>	<u>Volume</u>	<u>Date</u>	<u>Page</u>	<u>Subject</u>
Executive	Sixth	VII	10/15/66	247	Executive information
				257, 272, 273, 278, 285	Executive department
Judicial	Fourth	V	9/20/66	26	Eligibility
Legislative	Second	I	6/20/66	86	Bicameralism v. Unicameralism
Legislative	Third	I	6/20/66	143	Legislative information
				177	Legislative information
Legislative	Fourth	II	7/18/66	480, 485	Salary
				536	Eligibility
Legislative	Fifth	III	8/21/66	234	Vacancy
				276	Journals
Legislative	Sixth	IV	9/18/66	31	Extraordinary vote
Legislative	Seventh	VII	10/16/66	21	Convening self- continuing body
		VIII	10/24/66	152	Bicameralism v. Unicameralism
		IX	10/25/66	21	Extraordinary vote



DR. MARTIN D. JENKINS (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Miscellaneous Provisions	Fourth	VI	7/18/66	543	Education
				575	University of Maryland
Miscellaneous Provisions	Fifth	VII	10/24/66	112, 134	University of Maryland
Miscellaneous Provisions	Special	VIII	10/24/66	105, 138	University of Maryland
Miscellaneous Provisions	Sixth	XI	12/3/66	137	Constitutional provisions
Miscellaneous Provisions	Eighth	XII	12/19/66	75	Oath and activities
Political Subdivisions	Sixth	VIII	10/24/66	242	County counties
		IX	10/25/66	27	County lines
				126, 139, 158	Regional governments and authorities
Political Subdivisions	Seventh	X	11/21/66	234	Classification
[General]		IX	10/25/66	225, 228	Constitutional amendments, November



INDEX

MARGARET KOSTATOVSKY

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions	Fifth	V	9/20/66	173	Political governments
Political Subdivisions	Sixth	VIII	10/24/66	343	Political problems
		IX	10/25/66	185	Country reports



INDEX

GOVERNOR WILLIAM PRESTON LANE, JR.

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Sixth	VII	10/15/66	14	Enabling Act
Executive	Third	I	7/17/66	82	Executive Department
Executive	Fourth	I	7/17/66	106	Selection of governor and lieutenant governor
Finance	First	V	9/19/66	163	State credit
Judicial	Third	III	8/22/66	239	District Court
Legislative	Second	I	6/20/66	98	Unicameralism v. Bicameralism
Legislative	Third	I	6/20/66	115	Legislative term
Legislative	Fourth	II	7/18/66	423	Election for four-year term
Legislative	Fifth	III	8/21/66	250	Vacancy
Legislative	Sixth	IV	9/18/66	175	Origin of bills
Legislative	Seventh	VII	10/16/66	32	Continuous body, convening self
		VIII	10/24/66	187	Bicameralism v. Unicameralism



INDEX

GOVERNOR WILLIAM BRISTOL LANE, JR. (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Miscellaneous Provisions	Fifth	VII	11/11/66	111	University of Maryland
Miscellaneous Provisions	Special	VIII	10/24/66	97	University of Maryland

INDEX

DR. ROBERT P. LOWY

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions	Fifth	V	9/20/66	276, 281	General laws and classifi- cation

INDEX

ROBERT J. MARTINEAU

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Sixth	VI	10/14/66	259, 270, 278, 297, 301, 338, 372	Enabling Act
		XI	12/3/66	37, 49, 74	
Declaration of Rights	Sixth	III	8/21/66	114	Section 1, language, general
			8/22/66	11	Rights
				79, 96	rights of accused
				113, 114, 115	Excessive bail
Declaration of Rights	Eighth	V	9/20/66	145	Section, reserve
Elective Franchise	Third	I	6/20/66	218	Date of election
Elective Franchise	Fourth	II	7/17/66	168	Disqualification, voting
				183	Voting, political subdivisions
				249, 281, 290	Referendum
Elective Franchise	Fifth	III	8/21/66	49, 51, 79	Referendum



INDEX

ROBERT J. MARTINEAU (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Executive		IV	9/18/66	187, 200, 202	Succession
Executive	Sixth	VII	10/15/66	238, 241, 269, 279	Section 1 Following information Executive Department
Executive	Seventh	XI	12/3/66	202, 231, 232	Controller Fiscal Department
Finance	First	V	9/19/66	43	State debt
Finance	Third	VIII	10/24/66	50	Taxes
Judicial	Third	III	8/22/66	153, 163, 173, 184, 188, 197, 200, 204, 206, 217, 209	General Section 1 Supreme Court Residence requirements in district Appellate Court Superior Court jurisdiction Superior Court composition Resident judges

INDEX

ROBERT S. MARTINELLI (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>
Judicial (Continued)	Third	III	8/22/66	210, 215, District Court 220, 222, 225, 233, 234 229 Commissioners 243, 248, Administration of court 258 Judicial power 265 Rule power 275 Designation of judges - justice 284 Judicial selection 288, 294 Nominating commission
Judicial	Fourth	V	9/19/66	200 Judicial rules 226, 230 Administration by rule 231, 232, Eligibility 233, 234 246 Appointment of judges 252 Term of office 256, 258 Removal 261 Clerks of court 263 Supreme Court 271, 273 Appellate jurisdiction



INDEX

ROBERT J. MARTINEAU (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>
Judicial (Continued)	Fourth	V	9/19/66	275, 281, Superior Court 283 287, 288, District Court 290, 292, 304, 307, 309 309 Commissioners
		V	9/20/66	5, 7 Administration 10 Chief justice 11, 12, Eligibility 19, 28, 34, 36, 39, 43, 44, 45 52, 59, Term of office 61, 74 89, 93 Retirement 97, 100, Compensation 101, 104, 105, 112, 113, 116 120, 130 Removal 124, 125, Clerks 127
Judicial	Fifth	VII	10/15/66	153, 167 Changes 170 Chief judge 175 Alternative requirements for office 179 Draft changes

INDEX

ROBERT J. MARTINEAU (Continued)



INDEX

ROBERT J. MARTINEAU (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative	Third	I	6/20/66	122, 125, 126	Salary
				243	Vacancy
				267	Legislative districts
Legislative	Fourth	II	7/18/66	342	Legislative districts
				380, 391	Redistricting
				419	Four-year term
				455	Continuous body
				482	Salary
Legislative	Sixth	IV	9/18/66	55	Reapportionment
				243	Extraordinary vote
Legislative	Seventh	VII	10/16/66	25	Continuing body, convening self
				76	Subpoena
				95, 98, 103	Impeachment
		VIII	10/24/66	165	Bicameralism v. unicameralism
		IX	10/25/66	238, 247	Extraordinary vote
				304, 306, 312	Impeachment



INDEX

ROBERT J. MARTINEAU (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Miscellaneous Provisions	Fifth	VII	10/15/66	90	University of Maryland
Miscellaneous Provisions	Sixth	XI	12/3/66	129	Trial by jury in civil cases
Miscellaneous Provisions	Seventh	XI	12/3/66	139, 143, 146, 156	Constitutional revision
Miscellaneous Provisions	Eighth	XI	12/19/66	55, 62	Subversive activities and oath
Political Subdivisions	Fifth	V	9/20/66	202, 212	Intergovernmental and taxing power
				240, 256	Power of counties
				277, 279	General laws and classification
Political Subdivisions	Sixth	VIII	10/24/66	230, 259	Changing counties
				289	Classification
	IX	IX	10/25/66	27	County lines
				56, 58	Intergovernmental authorities
				96, 104, 122, 123, 146	Regional governments and authorities
				189, 205, 207	Classification
				202	Intergovernmental authorities, taxes, et al.

INDEX

ROBERT J. MARTINEAU (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions	Seventh	X	11/21/66	182	Power of regions
				205	Financial powers of subdivisions
				249	Classification
				254	Structure of county govern- ment
[General]			10/25/66	226	General constitutional amendments, November



INDEX

RIDGELY P. MELVIN, JR.

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Fifth	I	6/20/66	34	
Elective Franchise	Third	II	6/20/66	197	Disqualification
Elective Franchise	Fourth	II	7/17/66	193	Voting, political subdivisions
				277	Referendum
Executive	Fourth	I	7/17/66	36	Qualifications of governor and lieutenant governor
Legislative	Third	I	6/20/66	114	Terms
				250	Number of members
				266	Legislative districts
Legislative	Fourth	II	7/18/66	323	Legislative districts
				355, 366, 402	Redistricting
				456	Continuing body
				488	Salary



INDEX

JOHN H. MICHENER

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Sixth	VI	10/10/66	260, 267, 311, 341, 365, 375	
Declaration of Rights	Sixth	III	8/21/66	194	Religion
Elective Franchise		III	8/21/66	52	Referendum
Executive		IV	9/18/66	184, 217, 220	Succession
			9/20/66	231	Veto.
		VI	12/3/66	229	Fiscal department
Judiciary	Fourth	V	9/19/66	289, 291	District Court
				89	Retirement
				108, 114	Compensation
Legislative	Fifth	III	8/21/66	279	Legislative journal
Legislative	Sixth	IV	9/18/66	48	Reapportionment
				105, 106	Subpoena
				142	Expulsion
				167	Impeachment
Legislative	Seventh	VIII	10/24/66	181	Bicameralism v. Unicameralism

INDEX

JOHN H. MICHENER (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Miscellaneous Provisions		VII	10/15/66	57	Education
Miscellaneous Provisions	Sixth	XI	12/3/66	39	Bribery
Miscellaneous Provisions	Seventh	XI	12/3/66	150, 155	Constitutional revision
Miscellaneous Provisions	Eighth	XI	12/19/66	56	Subversive activities and oath
Political Subdivisions	Fifth	V	9/20/66	187	Changing counties
				199	Intergovernmental authorities
Political Subdivisions	Sixth	VIII	10/24/66	290	Classification

INDEX

CLARENCE W. MILES

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Fifth	I	6/20/66	39	
Elective Franchise	Fourth	II	7/17/66	146	Disqualifica- tion, voting
				218	Election, political subdivisions
Executive	Fourth	I	7/17/66	101	Election, governor
Legislative	Second	I	7/20/66	77	Bicameralism v. Unicameralism
Legislative	Third	I	7/20/66	153	Length of session
				171	Eligibility
				214	Residence requirements
Legislative	Fourth	II	7/18/66	316, 317	Members of House
				432, 457	Continuing body
				489	Salary
				497, 500	Eligibility
Miscellaneous Provisions	Eighth	XI	12/19/66	73	Subversive activities and oath

INDEX

CONGRESSMAN EDWARD T. MILLER

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Fifth	I	6/20/66	62	
Convention Procedures	Sixth	VI	10/14/66	266, 306, 326	Enabling Act
		VII	10/15/66	9	Enabling Act
		XI	12/3/66	69	
Declaration of Rights	Sixth	III	8/21/66	161	Peaceably to assemble
			8/22/66	31	Rights
				56	Search and seizure
				69, 87, 89, 97	Rights of accused
				140	Venue
Elective Franchise	Fourth	II	7/17/66	139, 145	Disqualification, voting
				175, 181, 188	Election, political subdivisions
				244, 245	Referendum
Elective Franchise	Fifth	III	8/21/66	37, 39	Election, political subdivisions
				80	Referendum
Elective Franchise	Seventh	VI	10/14/66	93	Referendum

INDEX

CONGRESSMAN EDWARD T. MILLER (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Executive	Third	II	7/17/66	29, 65	Executive department
				72	Lieutenant governor
Executive	Fourth	II	7/17/66	127	Reprieves
				91	Election, governor and lieutenant governor
		IV	9/18/66	215	Succession
Executive	Sixth	VII	10/15/66	222	Calling legislature
				232, 234	Vacancy
				298	Executive department
Finance	First	IV	9/19/66	59, 62	State debt
		V		153, 183	Loan of credit
Finance	Second	VI	10/14/66	45, 69	Legislative, judicial, and school budget
				100, 113	Budget bill
				132, 138, 141, 151	Hearing for budget bill
Finance	Third	VIII	10/24/66	44, 67	Taxes
Judicial	Third	III	8/22/66	219, 224, 228, 237	District Court
				254	Administration of court
				279	Chief justice

INDEX

CONGRESSMAN EDWARD T. MILLER (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Judicial	Fourth	V	9/19/66	233, 235, 241	Eligibility
				267	Supreme Court
				280	Superior Court
			9/20/66	35, 45, 50	Eligibility
				70	Term of office
				92	Retirement
				106, 107, 109	Compensation
		VII	10/15/66	192, 195	Pensions
				196, 200	Pensions and nonjudicial activities
Judicial	Sixth	IX	10/25/66	264	Pensions and nonjudicial activities
Legislative	Second	I	6/20/66	83	Bicameralism v. Unicameralism
Legislative	Third	I	6/20/66	107	Terms
				123	Salary
				154	Length of session
				175	Eligibility
				194	Federal reservations

INDEX

CONGRESSMAN EDWARD T. MILLER (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative	Fourth	II	7/18/66	371, 384,	Redistricting
				401, 415	
				425	Election for four-year term
				453	Continuous body
				471	Maximum session
Legislative	Fifth	III	8/21/66	485, 491	Salary
				236	Continuous session
				256	Vacancy
				264	Liability in Senate
				270	House, judge of
				277	Journal
				285, 288, 290	Origin of bill
Legislative	Sixth	IV	9/18/66	295	Style of law
				56, 60	Reapportionment
				162	Impeachment
				133	Subpoena
Legislative	Seventh	VII	10/16/66	244	Extraordinary vote
				6, 9, 13	Reapportionment

INDEX

CONGRESSMAN EDWARD T. MILLER (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative (Continued)	Seventh	VII	10/16/66	19, 28, 36, 38	Convening self, continuing body
				58, 77	Subpoena power
				93	Public journal
		VIII	10/24/66	169	Bicameralism v. Unicameralism
		IX	10/25/66	236, 239	Extraordinary vote
Miscellaneous Provisions	Fourth	IV	9/18/66	278, 281, 287, 297, 299, 305, 306, 308, 309, 314	Impeachment
				262, 272, 284	Militia
Miscellaneous Provisions	Fifth	VII	10/15/66	28, 33, 57	Education
				103, 113	University of Maryland
Miscellaneous Provisions	Sixth	XI	12/3/66	90	Bribery
				104, 117, 126	Trial by jury in civil cases
Miscellaneous Provisions	Eighth	XI	12/19/66	63, 66	Subversive activities and oath
Political Subdivisions	Fifth	V	9/20/66	225	Intergovern- mental authorities and monetary power
				237	Intergovern- mental authorities

INDEX

CONGRESSMAN EDWARD T. MILLER (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions (Continued)	Fifth	V	9/20/66	250, 251	Powers of counties
				281	General laws and classification
Political Subdivisions	Sixth	VIII	10/24/66	209, 216	Changing counties
		IX	10/25/66	51, 62	Intergovernmental authorities
				70	Municipal corporations
				101, 133, 145	Regional governments and authorities
Political Subdivisions	Seventh	X	11/21/66	57	Creating counties
				165	Regional governments and authorities
[General]		IX	10/25/66	219	November constitutional amendments

INDEX

CHARLES MINDEL

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
[General]		II	7/17/66	131	On H. L. Menchen
Convention Procedures	Sixth	VI	10/14/66	250	Enabling Act
		III	8/22/66	32	Rights
				72, 94	Rights of accused
Elective Franchise	Fourth	II	7/17/66	164	Legislative districts
				253	Referendum
Executive		IV	9/18/66	210	Succession
Finance	First	V	9/19/66	155	Loan of state credit
Finance	Second	VI	10/14/66	94, 102	Budget bill
		VIII	10/24/66	79	Lottery
Judicial	Third	III	8/22/66	249	Administration of courts
		V	9/19/66	275	Superior Court
			9/20/66	12	Eligibility
				41, 77	Term of office
Legislative	Third	I	6/20/66	244	Vacancy
Legislative	Fourth	II	7/18/66	362	Redistricting

INDEX

CHARLES MINDEL (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative	Fifth	III	8/21/66	205	Districts
Legislative	Sixth	IV	9/18/66	96	Vacancy
				108	Subpoena
Legislative	Seventh	VII	10/16/66	104	Impeachment
		VIII	10/24/66	154	Bicameralism v. Unicameralism
Miscellaneous Provisions	Fifth	VII	10/15/66	36	Education
		XI	12/3/66	124	Trial by jury in civil cases
Miscellaneous Provisions	Eighth	XI	12/3/66	169	Public commissions and grants

INDEX

JOHN W. MITCHELL

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Elective Franchise	Seventh	VI	10/14/66	199, 210	Referendum
Judicial		V	9/20/66	56, 73	Term of office
				129	Temporary assignment, judicial duties
Judicial	Sixth	IX	10/25/66	273	Pensions and nonjudicial activities
Legislative		IX	10/25/66	240	Extraordinary vote
				288, 307, 312	Impeachment
Political Subdivision	Fifth	V	9/20/66	208-212	Intergovernmental authorities and fiscal powers
				226	Cooperation between civil divisions
		IX	10/25/66	49, 64	Intergovernmental authorities

INDEX

LEWIS A. NOONBERG

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Miscellaneous Provisions	Sixth	XI	12/3/66	87	Bribery
Miscellaneous Provisions	Eighth	XI	12/19/66	34	Oath and subversive activities

INDEX

PROFESSOR GARRETT POWER

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Executive	Third	I	7/17/66	27, 45	Constitutional offices
				68	Lieutenant governor
				83	Qualifications of governor and lieutenant governor
		IV	9/18/66	199, 207	Succession
				230, 238	Veto
Executive	Sixth	VII	10/15/66	279	Executive department

INDEX

LAWRENCE F. RODOWSKY

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Judicial	Third	III	8/22/66	263	Rule power
				280	Chief justice
Judicial	Fourth	V	9/19/66	283	Superior Court
				294	District Court
		V	9/20/66	110	Compensation
Judicial	Fifth	VII	10/15/66	155	Changes

INDEX

GEORGE L. RUSSELL, JR.

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Elective Franchise	Third	I	6/20/66	186	Eligibility, age of voters
				191	Presidential elections
				192	Federal reservations
				209	Election procedures
				217	Date of elections
				223	Elections in political subdivisions

INDEX

STEPHEN H. SACHS

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Finance	First	V	9/19/66	142, 193	State debt
				138	Loan of state credit

INDEX

E. PHILLIP SAYRE

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Fifth	I	7/20/66	40	
Convention Procedures	Sixth	VI	10/14/66	296, 333, 342, 356, 370	Enabling Act
		VII	10/15/66	14	
		XI	12/3/66	61, 64	
Declaration of Rights	Sixth	III	8/21/66	90	Section 1, language, general
			8/22/66	12	Rights
				50, 51, 56	Search and seizure
				74, 100	Rights of accused
Elective Franchise	Third	I	6/20/66	237	Elections, political subdivisions
Elective Franchise	Fourth	II	7/17/66	164	Legislative districts
				192, 230	Elections, political subdivisions
				234, 236, 238	Initiative
				264, 298	Referendum
Elective Franchise	Fifth	III	8/21/66	48, 63, 80	Referendum

INDEX

E. PHILLIP SAYRE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Elective Franchise (Continued)	Fifth	III	8/22/66	201, 213	Referendum
Executive	Third	I	7/17/66	51	Constitutional offices
Executive	Fourth	I	7/17/66	108	Qualifications, governor and lieutenant governor
				93, 102	Elections, governor and lieutenant governor
		IV	9/18/66	201	Succession
				234	Veto
Executive	Sixth	VII	10/15/66	244, 245	Requiring information
				281	Executive department
Executive	Seventh	XI	12/3/66	207	Treasurer, comptroller
				230	Fiscal department
Finance	First	IV	9/19/66	125	Loan of credit
		V	9/19/66	168, 181	Loan of credit
				194	Dedicated tax
Finance	Second	VI	10/14/66	62	Legislative, executive, and school budget

INDEX

E. PHILLIP SAYRE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Finance (Continued)	Second	VI	10/14/66	93, 120	Budget bill
				132, 134, 137, 150	Hearing, budget bill
				177, 179, 184	Supplementary appropriations and emergency sessions
Judicial	Third	III	8/22/66	266	Rule power
Judicial	Fourth	V	9/19/66	210, 223	Rule power
				292	District Court
			9/20/66	48	Eligibility
				108, 114	Compensation
Judicial	Fifth	VII	10/15/66	173	Rule
				179	Regulations for office
		XI	12/3/66	296, 300	Poll of lawyers
Legislative	Second	I	6/20/66	89	Bicameralism v. Unicameralism
Legislative	Third	I	6/20/66	115	Terms
				121	Salary
				264	Legislative districts

INDEX

E. PHILLIP SAYRE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative	Fourth	II	7/18/66	317	Members of House
				329, 336	Legislative districts
				349, 350	Representative in district
				361, 365, 385, 412, 416	Redistricting
				453	Continuing body
				472	Maximum session
				483	Salary
Legislative	Sixth	IV	9/18/66	28	Extraordinary vote
				64, 66, 67	Reapportionment
				92	Vacancy
				150	Expulsion
				159	Impeachment
				244	Extraordinary vote
Legislative	Seventh	VII	10/16/66	18	Reapportionment
				25, 36	Convening self, continuing body
		VIII	10/24/66	174	Bicameralism v. Unicameralism



INDEX

E. PHILLIP SAYRE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Miscellaneous Provisions	Fourth	II	7/18/66	581, 585	University of Maryland
Miscellaneous Provisions	Fifth	VII	10/15/66	43	Education
Miscellaneous Provisions	Special	VIII	10/24/66	111, 137	University of Maryland
Miscellaneous Provisions	Seventh	XI	12/3/66	147, 160, 162	Constitutional amendment
Miscellaneous Provisions	Eighth	XI	12/3/66	42	Oath and subversive activities
Political Subdivisions	Fifth	V	9/20/66	178	Changing counties
				192	Intergovernmental authorities
				204, 210, 219, 225	Taxing power
				234	Intergovernmental authorities
				260	Power of counties
				280	General law and classification
Political Subdivisions	Sixth	VIII	10/24/66	220, 229, 247, 249	Changing counties
				352	Corridor development, metropolitan problems

INDEX

E. PHILLIP SAYRE (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions	Seventh	IX	11/21/66	79, 118, 135, 151, 163	Regional governments and authorities
				233	Classification
				303, 317, 324	Powers of county governments
		XI	12/3/66	244, 251	Intergovernmental cooperation

INDEX

ALFRED L. SCANLAN

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>
Convention Procedures	Fifth	I	6/20/67	12, 27, 31, 35, 42, 47, 59, 53
Convention Procedures	Sixth	VI	10/14/66	214, 218, Enabling Act 219, 222, 228, 241, 246, 253, 255, 261, 263, 272, 273, 280, 281, 286, 287, 288, 290, 292, 298, 303, 304, 307, 313, 318, 320, 327, 329, 331, 339, 341, 344, 345, 347, 351, 354, 360, 362, 364, 369, 373, 383
		VII	10/15/66	2, 6
		XI	12/3/66	14, 31, 36, 47, 49, 62, 65, 76
Declaration of Rights	Sixth	III	8/21/66	95, 111, Section 1, 114 language, general 150, 165 Peaceably to assemble 182 Religion

INDEX

ALFRED L. SCANLAN (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Declaration of Rights (Continued)	Sixth	III	8/22/66	8	Eminent domain
				53, 62	Search and seizure
				92, 94, 99	Rights of accused
				106, 109, 111	Double jeopardy
				122	Excessive bail
Elective Franchise	Third	I	6/20/66	138	Venue
				189, 203	Disqualifica- tion
				210	Election procedures
Elective Franchise	Fourth	II	7/17/66	235	Election, political subdivisions
				146	Disqualifica- tion, voting
				151, 246, 258, 278, 295	Referendum
Elective Franchise	Fifth	III	8/21/66	33	Election, political subdivisions
				45, 59, 63, 72, 74, 75, 76	Referendum
Executive	Third	I	7/17/66	33, 56	Constitutional offices

INDEX

ALFRED L. SCANLAN (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Executive	Fourth	I	7/17/66	97	Election, governor and lieutenant governor
Executive	Sixth	VII	10/15/66	240	Requiring information
				253	Executive department
Finance	Second	VI	10/14/66	29	Executive budget
				42, 44, 55, 66	Legislative, judicial, and school budget
				104, 118, 119, 125	Budget bill
				140	Hearing on budget bill
				174	Supplementary appropriations and emergency sessions
Finance	Third	VIII	10/24/66	44, 59	Taxes
Judicial	Third	III	8/22/66	176	Section 1
				191	Composition of Supreme Court
				257	Administration of Court
				264, 270, 271	Rule power
Legislative	Second	I	6/20/66	77, 97	Bicameralism v. Unicameralism

INDEX

ALFRED L. SCANLAN (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative	Third	I	6/20/66	176	Eligibility
				245	Vacancy
				250, 253	Number of members
				260	Legislative districts
Legislative	Fourth	II	7/18/66	314	Members of House
				328	Legislative districts
				355, 359, 363, 366, 370, 375, 417	Redistricting
				455	Continuing body
				473	Maximum session
				516	Vacancy
Legislative	Fifth	III	8/21/66	201, 210	Districts
				215, 223	Redistricting
				238, 241	Continuing session
				271	House, judge of
				287	Origin of bill
Legislative	Seventh	VII	10/16/66	294	Style of law
				5, 9, 10	Reapportionment
				22, 44	Convening self, continuing body

INDEX

ALFRED L. SCANLAN (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative (Continued)	Seventh	VII	10/16/66	69	Subpoena
				102	Impeachment
		VIII	10/24/66	172	Bicameralism v. Unicameralism
		IX	10/25/66	243	Extraordinary vote
Miscellaneous Provisions	Fourth	II	7/18/66	536, 542	Education
				582	University of Maryland
Miscellaneous Provisions	Fifth	VII	10/15/66	30, 34, 54	Education
				76, 78, 110, 132	University of Maryland
Miscellaneous Provisions	Special	VIII	10/24/66	95, 101, 120, 128, 139, 143	University of Maryland
		XI	12/3/66	85	Penalty for refusing oath
				89	Bribery
				95	Indeterminate sentence
				107	Trial by jury in civil cases
Miscellaneous Provisions	Eighth	XI	12/19/66	41, 46, 72, 74	Oath and subversive activities

INDEX

ALFRED L. SCANLAN (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions	Sixth	VIII	10/24/66	316	County government
		IX	10/25/66	32	County lines
				52, 58	Intergovernmental authorities
				98	Regional government and authori- ties
Political Subdivisions	Seventh	X	11/21/66	87, 137	Regional government and authori- ties
				178	Powers of regional government
				192	Powers of counties
		XI	11/21/66	223	Classifica- tion
				340, 370	Municipal corporations
[General]		IX	10/25/66	225	November election amendments

INDEX

L. MERCER SMITH

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Elective Franchise	Fourth	II	7/17/66	277	Referendum
Legislative	Third	I	6/20/66	174	Eligibility
Legislative	Fourth	II	7/18/66	338	Legislative districts

INDEX

MELVIN J. SYKES

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Convention Procedures	Sixth	VI	10/14/66	216, 245, 247, 260, 263	Enabling Act
Declaration of Rights		V	9/20/66	150	Section 3, language
Elective Franchise		III	8/22/66	195	Referendum
Executive		IV	9/18/66	212	Succession
Finance	First	IV	9/19/66	47, 48, 49, 53, 59, 74	State debt
		IV		102, 103, 105, 109	Loan of state credit
		V		145, 170, 175, 180	Loan of state credit
Finance	Second	VI	10/14/66	56, 59, 61, 68	Legislative, judicial, and school budget
				75, 78, 101, 111, 117, 123	Budget bill
				141-144, 149	Hearing for budget bill
				174	Supplementary appropriations and emergency sessions
Finance	Third	VIII	10/24/66	17, 25, 51, 55, 60, 63, 65	Taxes

INDEX

MELVIN J. SYKES (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Judicial	Fourth	V	9/19/66	206, 217, 222	Rule power
				282	Superior Court
				293, 300	District Court
				29	Eligibility
				73	Term of office
			9/20/66	90, 94	Retirement
Judicial	Sixth	IX	10/25/66	259	Bail, clarifying language
				268	Pension and other non-judicial activities
Legislative	Sixth	IV	9/18/66	37, 39	Extraordinary vote
				123	Subpoena
				146, 148	Expulsion
				163, 166, 167, 172	Impeachment
				254	Third reader bills
Legislative	Seventh	VII	10/16/66	27	Continuing body, convening self
				79	Subpoena power
		VIII	10/24/66	97, 99, 102	Impeachment
				160	Bicameralism v. Unicameralism

INDEX

MELVIN J. SYKES (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative (Continued)	Seventh	IX	10/25/66	240	Extraordinary vote
				281, 289, 306	Impeachment
Miscellaneous Provisions	Fourth	IV	9/18/66	270, 272, 281, 282	Militia
Miscellaneous Provisions	Special	VIII	10/24/66	112, 133	University of Maryland
Miscellaneous Provisions	Eighth	XI	12/19/66	55, 67, 68	Oath and subversive activities
Political Subdivisions	Fifth	V	9/20/66	216	Intergovern- mental authorities and monetary power
				237	Intergovern- mental authorities
				246, 256	Power of counties
				272, 283	General laws and classi- fication
Political Subdivisions	Sixth	VIII	10/24/66	212, 215, 258	Changing counties
				293	Classifications
				315, 317	County govern- ments

INDEX

MELVIN J. SYKES (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Political Subdivisions (Continued)	Sixth	IX	10/25/66	24, 26, 30	County lines
				46, 48, 50, 57, 68, 70, 75	Authorities
				87, 88, 129, 168	Regional governments and authorities
				176, 178	Regional government
				181, 186	County powers
				191, 195, 203, 204	Classifica- tion
[General]		IX	10/25/66	220	November election amendments

INDEX

DR. FURMAN L. TEMPLETON

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Declaration of Rights	Eighth	V	9/20/66	139	Section 2, redraft
Elective Franchise	Fourth	II	7/17/66	211, 219, 223, 232	Election, political subdivisions
Executive	Third	I	7/17/66	60	Executive department
Executive	Fourth	I	7/17/66	129	Addressing General Assembly
Judicial		XI	12/3/66	302	Poll of lawyers
Legislative	Fourth	II	7/18/66	388, 390 471	Redistricting Maximum session
Political Subdivisions	Fifth	V	9/20/66	269	General laws and classification

INDEX

JUDGE WILLIAM C. WALSH

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Miscellaneous Provisions	Special	VIII	10/24/66	145	University of Maryland

INDEX

DR. CLINTON I. WINSLOW

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Declaration of Rights	Sixth	III	8/21/66	119	Section 1, language, general
Elective Franchise	Fifth	III	8/21/66	54, 78	Referendum
Executive	Third	I	7/17/66	69	Lieutenant governor
Executive	?	IV	9/18/66	229, 230	Veto
Finance	First	IV	9/19/66	37	State debt
Judicial	Sixth	IX	10/25/66	256	Word "judge"
Legislative	Fourth	II	7/18/66	330, 333	Legislative districts
				397	Redistricting
				430	Continuing body
				505	Eligibility
Legislative	Sixth	IV	9/18/66	25	Extraordinary vote
				79	Length of session
				82, 88	Vacancy
				164	Impeachment
Legislative		VIII	10/24/66	178	Bicameralism v. Unicameralism



INDEX

DR. CLINTON I. WINSLOW (Continued)

<u>Committee</u>	<u>Report</u>	<u>Volume</u>	<u>Date</u>	<u>Pages</u>	
Legislative		IX	10/25/66	279, 280	Impeachment
Miscellaneous Provisions	Seventh	XI	12/3/66	156	Constitutional revision
Political Subdivisions	Sixth	VIII	10/24/66	231	Changing counties
		IX	10/25/66	153	Regional governments and authorities
				173	Regional government
Political Subdivisions	Seventh	X	11/21/66	296	Charter government and power of county government

1 CONSTITUTIONAL CONVENTION COMMISSION

2

3 Meeting held of the Constitutional Convention

4 Commission on Monday, June 20, 1966, at 10 o'clock a.m.,

5 at Room C-11, University of Maryland, School of Law,

6 Baltimore, Maryland.

7

8 PRESENT:

9 H. Vernon Ensey, Esquire,
 Chairman of the Commission

10 Hon. E. Dale Adkins, Jr., Member

11 Dr. Harry Bard, Member

12 Mrs. Elsbeth Levy Bothe, Member

13 Dr. Franklin L. Burdette, Member

14 Richard W. Case, Esquire, Member

15 Hal C. B. Clagett, Esquire, Member

16 Mr. Charles Della, Member

17 Mrs. Maurice P. (Leah S.) Freedlander, Member

18 James O'Conor Conroy, Esquire, Member

19 Stanford Hoff, Esquire, Member

20 Dr. Martin D. Jenkins, Member

21 Hon. William Preston Lane, Jr., Member

 Robert J. Mortineau, Esquire, Member

 Ridgely P. Melvin, Jr., Esquire, Member

 Clarence W. Miles, Esquire, Member

 Edward T. Miller, Esquire, Member

 Charles M. Mudd, Esquire, Member

 George L. Russell, Jr., Esquire, Member

 Mr. E. Phillip Sayre, Member

 Alfred L. Scanlan, Esquire, Member

 Mr. L. Maynard Smith, Member

 Dr. F. M. L. Templeton, Member

 Reported by:
 W. P. Brinkley

1 ALSO PRESENT:

2 John C. Brooks, Esquire, Executive Director
 3 Professor Lewis D. Asper, Reporter for
 4 Committee on Elective Franchise &
 Declaration Rights
 Dr. Clinton Ivan Winslow, Consultant

5 - - - - -

6 THE CHAIRMAN: Several days ago the Governor
 7 at his press conference announced the appointment of
 8 a Citizens Committee on Constitutional Convention Referendum.
 9 Because of other news items in the paper on the following
 10 day, this did not receive the publicity locally that we
 11 thought it would. For that reason, we are sending to
 12 every member of the Commission a copy of the Governor's
 13 statement and also a copy of the list of names of the
 14 members of the Committee.

15 The Chairman of the Committee is Judge John B.
 16 Gray, Jr., former Circuit Judge of the 7th Circuit and
 17 the Vice-Chairman is Dr. Winslow whom all of you know
 18 who has been with us constantly.

19 The Commission Chairmen have had a brief
 20 meeting with Mr. Brooks and myself and plan another
 21 meeting this coming week, a full meeting of the entire

1 Committee has been scheduled for Tuesday, the 28th.
2 This Committee is a large one. It has, I think, 55 or
3 maybe a few more names than that. You will recognize
4 many of the names as people of prominence, people
5 representing various organizations and groups, party
6 groups, Women's Civic League, numerous such groups includ-
7 ing two former organizations. The purpose of the group
8 is to publicize the fact of the referendum on September
9 13 and to get out a very substantial vote.

10 It has been emphasized to the Committee
11 that there really isn't much problem about getting a
12 majority vote in favor of a constitutional referendum
13 on September 13. The problem really is one of getting
14 a very substantial turnout, because it is felt this
15 will have a decided effect on the type and class of
16 persons who would seek election as delegates. If the
17 constitutional convention referendum is carried not
18 merely by a small number of votes but by a very large
19 vote, it is likely to induce people to run for delegate
20 to the convention who might not otherwise do so.

21 For that reason, the desire of this Commission

1 and of everyone else working in this field is to get as
2 large a turnout as possible. Inasmuch as the Commission
3 decided several meetings ago that it did not feel that
4 it should participate actively in the campaign and
5 suggested the Citizens Committee, the Committee is
6 really our baby. It will work independently of us inso-
7 far as planning for the referendum is concerned. It
8 will, however, work very closely with us in another
9 field where our efforts and those of the Committee will
10 overlap. That is in the area of public education.

11 For several months we have been trying to
12 work out a cooperative project under which we could
13 complete some of the urgently needed research work
14 which we want to finish without waiting until late in
15 the fall. Also to prepare research materials in such
16 form that they could be readily adapted for publication
17 and public discussion, and so forth. Considerable
18 progress has been made in accomplishing this. It has
19 not yet been finalized but we have worked out tentatively
20 a cooperative project with the University of Maryland
21 under which we would take advantage of the already

1 established extention service of the University of
2 Maryland in cooperation with the Citizens Committee
3 on the Constitutional Referendum. This is a matter
4 which is dependent to some extent on whether we can
5 get funds. We think we can. We have a good bit of the
6 man power that would be needed. We would still be trying
7 very hard to get people to fill a few top positions.
8 But there is some prospect that we can do this also.
9 The top position is really one that for lack of a
10 better name we call editor, one who can take the research
11 materials of this Commission and the various committees
12 and turn them into public releases for consumption by
13 the general public and various other groups.

14 Part of this program involves obtaining for
15 this Commission six full time research assistants to
16 work this summer. Five of these have already been
17 selected, some of them are already working, several of
18 them are here today. These are graduate students in
19 political science or graduates of the law school, working
20 only until September but on a full time basis.

21 I will ask John to outline to you in a little

1 more detail what the program embraces so that you will
2 have a fair understanding of it. Then if you approve
3 in general, I would suggest, if it meets with your
4 approval, that someone authorize the Chairman to enter
5 into such arrangements as may be necessary to effectuate
6 the program. By that I mean that it may be necessary
7 for us to make contracts in order to obtain the necessary
8 funds. This may be in the form of grand applications
9 from one of several sources, state, Federal, or founda-
10 tion. John, can you tell us a little more about it?

11 MR. BROOKS: A number of things have opened
12 up as an opportunity. Generally we are thinking in
13 terms of a broad program of community seminars jointly
14 with the Extension Division of the University with their
15 assistance in the field since during the summer they
16 have more free time and are interested in such a program
17 which would involve the holding of some district work-
18 shops, five or six in number, with such persons as
19 hopefully some of you and the leadership of the Citizens
20 Committee and any consultants whom we might bring in
21 such as perhaps Dr. John Wheeler who visited us over
before, to meet with civil rights community leaders,

1 governmental leaders in the various multi-county
2 regions to present to them various aspects of need
3 for revision of the constitution in the hope that
4 these persons would then participate in taking advantage
5 of the many opportunities at the local level to
6 make speeches about the need for constitutional
7 revision and what some of the primary issues are. This
8 program would involve publication of a number of two-
9 page and a couple of four-page pieces, I would call
10 fliers, eight and a half by eleven printed matter,
11 that would more or less popularize the problems confronted
12 with constitutional revision for distribution
13 throughout the state. It would also provide some
14 film or rather slide shows involving 26 slides in a
15 show to be designed by the Extension Division with
16 our cooperation providing the substantive material
17 that could be used in presenting programs to civic
18 groups at the local community.

19 I might add that at the moment to work with
20 us in providing general research of the basic materials
21 that would serve as the basis for the written materials

1 we have employed three research assistants at the
2 moment. As they become available, I will introduce
3 these to you today. John Ellwood is with us today.
4 You might stand, John. He is from Johns Hopkins. We
5 also have Al Snyder and Frank Ralabate as a secretary
6 helping in this same capacity. We have Mrs. Gotkin
7 for the summer at the moment in the office downtown.
8 Also Mr. Roberts whom we have obtained under the
9 Poverty Program to help us on a part time basis during
10 the summer. We hope that this will be integrated with
11 the program of the Citizens Committee and that the
12 materials that would be provided under this program
13 would be of use by that Committee between now and
14 September 13 in behalf of the referendum.

15 THE CHAIRMAN: Let me mention one other
16 thing in connection with this program. Although the
17 Commission is not as a Commission actively participating
18 in the referendum campaign, certainly we are all
19 interested and we are vitally interested in seeing that
20 the public understands what the question is, the issue,
21 and turns out and votes.

1 One of the suggestions made in order to
2 publicize this it to have the users of the stamp
3 machines, Pitney-Bowes stamp machines, agree to use a
4 small advertising slug with their stamp cancellations
5 so that more mail that comes to the ordinary house-
6 holder will contain some slogan such as "Vote for the
7 Constitutional Referendum September 13," or some
8 simple statement of that sort.

9 Many of you would know similar methods of
10 getting across the message to the people and aiding
11 the Citizens Committee. If you do have such ideas,
12 it would be very helpful if you would pass them on to
13 John Brooks who in turn will pass them on to the
14 Commission.

15 Mr. Martineau, did you have a report?

16 MR. MARTINEAU: Other than the obvious one
17 I have not prepared or sent out the minutes of the
18 meeting of the 16th.

19 THE CHAIRMAN: Our budget for the coming
20 fiscal year, which was approved by this Commission
21 some months ago, has now been officially approved and

1 will become operative for the fiscal year beginning
2 July 1. Our budget for the current year is also all
3 right. As a matter of fact, we have not spent all of
4 our money. This is due primarily to the fact that
5 some of the expenditures included in this budget are
6 items that will not be payable until near the end of
7 our work, but they were allocated on a monthly basis.
8 We discussed this with the Governor and with the
9 Budget Department and we will be entitled to carry
10 over our unspent funds so that this will not pose any
11 problems.

12 As you recall, under the time table which we
13 adopted some months ago, a complete preliminary draft
14 of the recommendations of each of the Committees is
15 due by the next meeting, July meeting. Most of the
16 Committees have already submitted preliminary drafts
17 of policy questions to be decided and many of the
18 Committees have in addition submitted preliminary drafts
19 of actual language. Some of those will be considered
20 today.

21 I simply want to remind you at this time

1 that the drafting on behalf of each Committee should
2 be well under way by this time in order to enable you
3 to meet the July deadline.

4 This means also that the July meeting is
5 in all probability going to be again an all-day meeting
6 because we are going to have a very heavy schedule.
7 Because of this and because of the fact that these
8 reports do require time for study, I would like to
9 ask each Committee Chairman and reporter to get your
10 report in as quickly as possible. The sooner it
11 can be circulated to the other members of the
12 Commission, the sooner we can be studying it and pre-
13 paring for the July meeting.

14 I think they are all the announcements I
15 have to make. Does anyone else have announcements he
16 cares to make? If not, we will proceed to a considera-
17 tion of the Committee reports. The first item is the
18 fifth report of the Committee on Convention Procedures,
19 Mr. Scanlan.

20 Before we start, let me ask each Committee
21 Chairman in presenting his report to present a summary

1 of each recommendation and discussion in the report
2 but do not read the report. There isn't time for the
3 reports to be read entirely. I think every member
4 of the Commission has at least read each of the reports.
5 So if you will, as you present your reports, discuss,
6 present in summary form, we can move along a little
7 more briskly. Mr. Scanlan.

8 MR. SCANLAN: The fifth report of the
9 Committee, in effect the completion of our attempt
10 to make recommendations concerning the organization of
11 any constitutional convention. As you will recall,
12 previous reports dealt with the basis of representation,
13 the fact that the election should be nonpartisan,
14 et cetera. This report is longer and contains a great
15 deal of detail but I suppose in importance it isn't
16 quite as important as the matters you have already
17 approved.

18 The first matter that we dealt with and
19 made a recommendation on in this report is the site
20 of the convention. Following Mr. Ensey's admonition,
21 I am not going to summarize the considerable material

1 that is set forth under that heading in our report.
2 Obviously there are several places in this state
3 where a convention could be conveniently held. But
4 for reasons not only of convenience but of tradition,
5 it was the unanimous view of our Committee that
6 Annapolis had a clear command as the site of any
7 constitutional convention. I believe all previous
8 Maryland conventions, constitutional conventions have
9 been held there. It is centrally located, adequate
10 facilities of every kind, and even though some states,
11 New Jersey, I believe Alaska, did have their convention
12 at places other than their State Capital, generally
13 the tradition in states is to have the convention in
14 the State Capital. We see no reason for departing
15 from that general policy in this case. We recommend
16 to the Commission that it approve and so recommend
17 in any enabling act that we ultimately submit to the
18 General Assembly that Annapolis be the site of the
19 convention.

20 Mr. Chairman, I didn't know whether you wanted
21 me to proceed to the next item and get the sense of

1 the Commission at the end of the whole report or
2 whether each item should be taken up separately.

3 THE CHAIRMAN: I think it would be better
4 to discuss each item as we come to it except in cases
5 where the item is related directly to one other. I
6 don't believe that is true here.

7 MR. SCANLAN: This is a separate item.

8 THE CHAIRMAN: May I ask a question or
9 pose a question for you. The report states what
10 all of us assume but I wonder if any independent
11 investigation has been made about it. That is that
12 facilities are available in Annapolis for the holding
13 of a constitutional convention. You have on the
14 basis that this Commission has been recommending
15 somewhere in the neighborhood of 150 members of the
16 convention plus a staff of undetermined number, plus
17 a large group from time to time of persons appearing
18 before the convention, plus what would probably be a
19 rather substantial group of news media representatives,
20 press, and so forth. I am wondering whether housing
21 accommodations in the Annapolis area are adequate or

1 if this is just an assumption made.

2 MR. SCANLAN: To be fair about it, I think
3 that latter specific question was assumed. The answer
4 was assumed, that hotel facilities, motel facilities,
5 no independent investigation of that was made.
6 However, a larger body -- namely, the General Assembly
7 of Maryland -- meets for a three-month period in the
8 winter and early spring. While there is some crowding,
9 I am sure Annapolis has been able to sustain that type
10 of meeting. We would think that while there will be
11 some taxing of housing facilities, the City of Annapolis
12 could bear it.

13 To answer your question specifically, there
14 was no independent count of the housing units that
15 might be available for those who might come as delegates
16 or visitors or press and so forth.

17 THE CHAIRMAN: I raise the question because
18 of two thoughts in my mind. First the fact is that
19 during the session of the Legislature, latter part of
20 the session when most members of the Legislature stay
21 in Annapolis, one hears constant complaints about the

1 inadequacy of housing conditions.

2 Secondly, the fact is that in many, many
3 instances a substantial number of members of the
4 Legislature do not stay in Annapolis throughout the
5 session. I don't know that Annapolis has experience
6 with a prolonged period of 75 or more days when every-
7 body would be staying there.

8 I am wondering if this isn't a question that
9 we should research more fully and have available for
10 the Legislature in general.

11 MR. SCAMMAN: I think you are right. If
12 we could give some specifics indicating where there
13 would be tight spots in housing, that would be helpful.

14 I would point out, Mr. Chairman, that I am
15 sure that many of the delegates will go home in the
16 evening. I think the delegates will do that. We
17 don't expect that all 142 delegates will be there every
18 day over night. Then, of course, the convention will
19 recess from time to time for public hearings. It
20 might be in recess a week or two while its committees
21 are taking testimony maybe in Annapolis or Baltimore

1 or Western Maryland. I think these are factors we
2 have to remember too.

3 THE CHAIRMAN: What is your pleasure as to
4 the first recommendation?

5 MR. MELVIN: I move it be adopted.

6 MR. MARTINEAU: Seconded.

7 THE CHAIRMAN: Any further discussion?

8 MR. DELLA: I would like to add I think most
9 complaints from the people during the Legislative
10 session come from the fact they can't get places to
11 live right in the vicinity of the State House where
12 they can walk back and forth. They are building one
13 or two new motels. I think by the time our convention
14 comes, there would be adequate housing.

15 The other problem that comes up is the parking
16 facilities. Other than that, there is no real
17 complaint that you can put your finger on that merits
18 real consideration. Some don't like to go back to
19 the Captain's Table or a couple motels on the road
20 there.

21 THE CHAIRMAN: Any further discussion?

1 DR. BARD: I would like to say, Mr. Chairman,
2 that the Legislative Reference Department is now
3 permanently housed there. I think this would be of
4 great value as well. Besides the fact that traditionally
5 people of the state would look upon this selection as
6 being an important one and a good one.

7 THE CHAIRMAN: Any further discussion?
8 Ready for the question? All those in favor of approv-
9 ing the first recommendation that the site of the
10 convention be in Annapolis signify by saying aye,
11 contrary no. Ayes have it, so ordered.

12 Second recommendation.

13 MR. SCANLAN: The next item in the Committee
14 report is the question of how long should the convention
15 be permitted to go on. Many constitutional conventions
16 have had a time limit imposed on them in the Enabling
17 Act by which they were created.

18 However, from time to time there hasn't
19 been such limitation. That was true in the Missouri
20 convention which dragged on for seven and a half months.
21 I said Missouri. I meant Michigan. In Missouri an

1 earlier convention dragged on for a year. Some of
2 you heard John Brooks' report concerning the Rhode
3 Island convention which only meets one day a week but
4 has been going on for a considerable period of time.

5 MR. BROOKS: Since '64.

6 MR. SCANLAN: Yes, getting nowhere fast if
7 John's reports are reliable. I heard a similar report
8 from a member of that convention, a friend of mine
9 from Rhode Island. We felt it would be wise to have
10 some time limitation imposed on the convention. This
11 was the case when New Jersey had its convention and
12 Alaska. I think it is important for this reason. We
13 hope to attract competent people, busy men in business,
14 law, agriculture, labor, perhaps the teaching
15 profession. You can't expect them to take a blank
16 check and get involved in a situation which might tie
17 them up for months. They have to have some idea of
18 what their schedule is going to be. For that reason,
19 I think the Committee was unanimous in feeling that
20 there had to be a time limitation of some sort.

21 Now there was some discussion of what that

1 limitation should be. I think substantially most of
2 us felt that three months was enough. We felt
3 that primarily because we recognized that this
4 convention will be meeting having the benefit of the
5 fruits of the work of this Commission. They will not
6 be writing on a blank tablet. Hopefully many of our
7 recommendations will prove attractive to them. In
8 any event, all our recommendations should be of some
9 benefit to them. Therefore, they will not be starting
10 afresh in a sense. They can get down to the important
11 business of recommending revisions in the constitution
12 without too much delay. Even the Michigan convention
13 didn't have the advantage of that type of preconvention
14 preparation.

15 So there was strong sentiment that three
16 months would be enough. On the other hand, we
17 recognized that the convention may want to adjourn
18 from time to time in order to take testimony in public
19 hearings. So we felt that the outside would be four
20 months. Originally if we had our "drafters," we would
21 like to see the convention assemble July 4, 1967.

1 However, as you know, the General Assembly has passed
2 a bill which now calls the convention for September 12,
3 1967, Defenders Day. Under those circumstances and
4 taking September 12 as the day on which the convention
5 would start, your Committee recommends that any
6 Enabling Act we send up to the Legislature contain a
7 provision of a three-month limitation but in any
8 event no later than January 12, 1968, which would be
9 a four-month limitation.

10 I might add most of the bills we have seen
11 introduced in the General Assembly over recent years
12 in which a convention is called for had approximately
13 the four-month limitation. We are in accord with what
14 seemed to be the general feeling of the Legislature
15 in recent years.

16 Our recommendation would be that the
17 convention begin on September 12 and that they be
18 given authority to continue to January 12, 1968, but
19 hopefully that their report, that the convention would
20 conclude its deliberations as early as December 12,
21 1967, which would be three months.

1 THE CHAIRMAN: Any discussion?

2 DR. BARD: A question.

3 THE CHAIRMAN: Dr. Bard.

4 DR. BARD: Mr. Scanlan, would there be any
5 problem in regard to running through January 12, 1968,
6 in terms of facilities which might be used concurrently
7 by the General Assembly?

8 MR. SCANLAN: I think the General Assembly
9 comes into town just about a week later.

10 DR. BARD: There would be no problem.

11 MR. SCANLAN: We would hope that would be
12 the absolute outside date and that hopefully December
13 12 or any time in that period would be the date.

14 THE CHAIRMAN: Any further questions or
15 discussion?

16 DR. BURDLICE: I move the adoption.

17 MRS. FREEDLANDER: Seconded.

18 THE CHAIRMAN: Any discussion of the motion?

19 MR. MILLER: Question.

20 THE CHAIRMAN: Question is on approval of the
21 second recommendation of the Commission. Those in

1 favor signify by saying aye. Contrary, no. The
2 ayes have it. So ordered.

3 Third recommendation.

4 MR. SCANLAN: Third recommendation is one
5 that deals with the compensation that would be
6 recommended in the Enabling Act for the delegates who
7 attend the convention. There seems to be a great
8 variety of precedents here. In Michigan, for instance,
9 the delegates were paid a thousand dollars a month
10 up to a maximum of \$7500. You will recall I said the
11 Michigan convention terminated after seven and a half
12 months. When the compensation ran out, the convention
13 finally came to an end.

14 On the other hand, I believe in Rhode Island
15 they are paying them nothing and they are getting
16 what they paid for.

17 In Connecticut, which seems to be a more
18 helpful precedent, they pay the delegates what the
19 members of the General Assembly of Connecticut get.

20 Basically that is our recommendation.

21 Actually, I see we have slightly underestimated what

1 the General Assembly members get. We took the basic
2 salary of \$2400 a year plus the expense allowance of
3 \$15 a day but I think that is a little on the low side
4 now. In any event, operating on the assumption that
5 the compensation to a member of the General Assembly
6 during the 70-day session averages out to about \$50 a
7 day for actual attendance, we recommended that the
8 delegates to the constitutional convention get the
9 same flat compensation; and we also recommended that
10 we not get involved in an allocation between expenses
11 and actual compensation. It would just be extra
12 red tape and hardly necessary in a one shot affair
13 like a constitutional convention.

14 There is one change on the bottom of Page 9
15 where we say the members of the Committee therefore
16 recommend that the delegates to the convention ought
17 to receive \$50 a day when attending sessions of the
18 convention or meeting at committees or subcommittees
19 thereof. Then we added plus the same mileage allowance
20 permitted members of the General Assembly.

21 After we had approved this report, while

1 working on details of the Enabling Act, the
2 Committee changed its mind on this and in the interest
3 of simplicity would just eliminate the mileage
4 allowance. It isn't that significant. We thought in
5 the interest again of simplicity the \$50 a day for
6 everybody was the most equitable and the most simple
7 mode of compensation.

8 So apart from that one last phrase on Page
9 9, our recommendation would be that the delegates to
10 the convention be paid \$50 a day when they are
11 attending sessions of the convention or on the business
12 of the convention such as attending Committee meetings,
13 subcommittee meetings, and that sort. That would be
14 your Committee's recommendation.

15 THE CHAIRMAN: Any questions? Mr. Case.

16 MR. CASE: Mr. Chairman, I take it that
17 the Committee is aware of the fact that a set sum per
18 day when attending sessions or meetings of committees
19 has run into some pretty rough sailing around the
20 state. I assume what you mean is a flat \$50 a day,
21 period, no matter how many committee meetings you attend.

1 MR. SCANLAN: That is right. That is the
2 daily compensation.

3 MR. CASE: I think it ought to be clearly
4 stated so everybody understands you can't go to three
5 Committee meetings and come up with \$150.

6 MR. SCANLAN: That is correct. This would
7 be a per diem compensation. No matter how much or
8 how little work you did that day, provided you just
9 did some, for the Commission.

10 MR. CASE: Just appear.

11 MR. SCANLAN: You can sleep once you check
12 in.

13 THE CHAIRMAN: I take it in view of your
14 last comment, you don't earn compensation for time when
15 at home studying but only attending some function?

16 MR. SCANLAN: That is right, I assume the
17 convention through its secretary or somebody would set
18 up a system by which attendance would be checked.

19 THE CHAIRMAN: Any further questions or
20 discussion? What is your pleasure?

21 MR. CLAGETT: I move approval, revision of

1 \$50 a day.

2 MR. MARTINEAU: Seconded.

3 THE CHAIRMAN: Any further discussion?

4 DR. JENKINS: This is with the elimination
5 of the mileage allowance as amended?

6 THE CHAIRMAN: This is approval of the
7 recommendation that the total compensation and expense
8 allowance to delegates be \$50 per day.

9 MR. SCANLAN: Maximum sum.

10 THE CHAIRMAN: Maximum sum of \$50.

11 DR. JENKINS: Eliminating the mileage?

12 THE CHAIRMAN: Eliminating the mileage and
13 any other expense allowance as expenses. Any further
14 discussion or questions?

15 MRS. FREEDLANDER: Question.

16 THE CHAIRMAN: Ready for the question? All
17 those in favor signify by saying aye, contrary no.
18 Ayes have it. Recommendation four.

19 MR. SCANLAN: This recommendation dealt with
20 the qualifications that would be required of the dele-
21 gates to the convention. In brief we recommend that

1 they have the same qualifications as now required
2 to occupy a seat in the House of Delegates with one
3 important exception. We saw no reason why there was
4 any compelling reason for barring a clergyman from
5 running and, if he is elected, from serving as a
6 delegate to the constitutional convention. Moreover,
7 we were aware that Dr. Bard's Committee dealing with
8 the proposals for the Legislative arm had arrived at
9 the same conclusion for membership in the House of
10 Delegates.

11 So we have recommended that this Commission
12 recommend to the General Assembly that delegates to
13 the 1967 constitutional convention be required to
14 possess the same qualifications as now required to
15 occupy a seat in the House of Delegates except that
16 the clergyman bar would not be applicable.

17 In effect, our recommendation would mean
18 that a delegate would have to be 21 years of age,
19 have resided in Maryland at least three years, and
20 the last year thereof in the district from which he runs,
21 prior to the time of his election. I mean by district

1 the Legislative district of the City of Baltimore or
2 the counties. We have not made a specific recommenda-
3 tion on this point but our proposed enabling act will
4 contain it.

5 I believe the Commission has concluded
6 that a delegate can run from the county. In other
7 words, the delegates would be elected from the county
8 not from the various sublegislative districts you have
9 in election of delegates.

10 THE CHAIRMAN: The Commission has not taken
11 a position on that.

12 MR. SCANLAN: I know. So far as qualifica-
13 tions are concerned, except for the clergyman barrier,
14 which we would recommend not apply here, the qualifica-
15 tions would be the same as membership in the House of
16 Delegates.

17 THE CHAIRMAN: May I ask a question for
18 clarification before we have discussion in view of
19 your last comment. Did you mean that the Committee is
20 recommending in the case of one running from a legisla-
21 tive district in the county that he be a resident of

1 the county rather than the Legislative district?

2 MR. SCANLAN: That is correct. I think that
3 wording should be changed there.

4 THE CHAIRMAN: I am wondering whether that
5 is really desirable in view of the method of electing
6 delegates and in view of the recommendations of the
7 Legislative Committee which have not yet been acted
8 upon.

9 MR. CLAGETT: We thought, Mr. Chairman, in
10 terms of having at least one representative from each
11 county be present at the constitutional convention.
12 This would make provision, that is, the number we have
13 agreed upon would provide at least one from each county.

14 THE CHAIRMAN: That wasn't my question, Mr.
15 Clagett. What I meant was, if I understand this
16 recommendation, it would mean that if you have a county
17 which has two or three legislative districts, the
18 delegate would reside in the county but not necessarily
19 in the legislative district from which he came, but in
20 the city this would not be true, that the delegate
21 would have to reside in the legislative district.

1 Even though he were a resident of the city, he would
2 still have to run from the Legislative district in
3 which he resided. In other words, you are making a
4 distinction between the county and the city man.

5 MR. SCANLAN: That is correct. One of the
6 reasons was that you will recall the Commission
7 approved the idea of nonpartisan elections and also
8 expressed the hope that the leaders of the various
9 political parties and other civic groups would use
10 their best efforts to make it a truly nonpartisan
11 election.

12 We think that process would be assisted by
13 permitting a slate of delegates to be made up from a
14 county rather than subdividing it into district situa-
15 tions.

16 For instance, my own County of Montgomery
17 would have seven, seven, and two, I guess, to the
18 convention, under the present system of Legislative
19 districts.

20 On the other hand, if they were running from
21 the county as a whole, you would have a slate of sixteen

1 delegates. We felt that, maybe my recollection of
2 the Committee discussion isn't accurate, but we felt
3 that this process of trying to truly make it nonpartisan
4 would be better served by this type arrangement.

5 We discussed this in connection with our
6 proposed enabling act on which we are still working.

7 THE CHAIRMAN: Your proposal does not extend
8 in the same system to the delegates running from
9 the city?

10 MR. SCANDIAN: No, we felt there was a long
11 tradition of Legislative districts. In a way they
12 have come to be accorded the same dignity as a county
13 at least for purpose of drawing election lines. We
14 felt there was no need to tamper with that. Because
15 that would mean if we went the other way, you would
16 have a slate of forty-three delegates running from the
17 City of Baltimore.

18 DR. BARD: Quite a number.

19 MR. SCANDIAN: We thought that would be too
20 bulky.

21 THE CHAIRMAN: Did the Committee consider

1 whether the delegates to the constitutional convention
2 should have a higher age qualification such as those
3 of Senators?

4 MR. SCANLAN: There was some consideration
5 of that but our feeling was traditionally the
6 qualifications in previous Maryland constitutional
7 conventions have been the same qualifications as
8 required for the House of Delegates. We saw no good
9 reason for upping it. This is an age of youth where
10 they want to participate in public affairs. There was
11 no real feeling that there should be any change from
12 the twenty-one year old standard.

13 THE CHAIRMAN: Any questions or discussion?

14 DR. BARD: Just one question, Mr. Chairman.
15 Those who are lawyers on this Committee might be able
16 to help me.

17 Would it be in order for a group of clergymen,
18 for example, to be elected as delegates to this conven-
19 tion and vote on the very important question as to whether
20 there should be a change in respect to clergymen?

21 MR. SCANLAN: I know the conflict of interest

1 phobia has gone far in recent years but every delegate
2 to the convention will have a personal axe to grind if
3 no other than he is a taxpayer. We didn't consider
4 that. I put my faith in the clergy. That is one
5 group --

6 DR. BARD: I have faith in them. I wonder
7 whether it would be open to criticism on this point.
8 If you think there is no legal problem involved here --

9 MR. SCANLAN: I not only put my faith in it
10 but I dare say very few will get elected.

11 THE CHAIRMAN: Mr. Melvin.

12 MR. MELVIN: I am still not convinced in
13 my own mind as to why the distinction of no districting
14 within the county as compared to Baltimore City. As
15 I understand it, we are going to have the same set-up
16 on the convention you would have in the House of
17 Delegates.

18 Offhand, I can't see why they shouldn't also
19 be elected from the same geographical area.

20 MR. SCANLAN: The main reason was that it
21 would be more difficult to work out a truly nonpartisan

1 election if we went by the subdistricts in the county.

2 MR. MELVIN: Why do you say that? I don't
3 follow that.

4 MR. SCANLAN: In other words, with sixteen
5 spots to fill, it is possible that all the civic
6 groups, political parties in a particular county, could
7 work out a slate that would be acceptable to all sides
8 and be truly a nonpartisan slate.

9 On the other hand, as you reduce the number
10 of people that can serve on the slate, it becomes
11 progressively more difficult to make that type accommoda-
12 tion in the interest of nonpartisan elections.

13 In the Baltimore situation it was dealt with
14 differently because it means you would be working out
15 a slate of forty-three which is going too far in the
16 other direction.

17 As I say, maybe at this time we could, I
18 would suggest we could put at this time that he must
19 reside in the district or county from which he runs
20 and leave aside at this time, postpone any definite
21 Commission decision on whether or not it agrees with

1 this thought of the Committee. Actually we have been
2 discussing this in connection with the proposed
3 enabling act, the test of which we hope to lay before
4 this Commission at your next meeting.

5 I would, if my Committee doesn't feel I am
6 departing from my instructions, at this time I think
7 it would be sufficient if our recommendation was
8 that the delegates to the convention would have to be
9 twenty-one years of age, have resided in Maryland at
10 least three years, the last year thereof in the
11 district or county from which he runs prior to the
12 time of his election, with the understanding that we
13 will have a more concrete recommendation on the question
14 of whether the subdistricting that we now have in
15 connection with the House of Delegates, and for that
16 matter, the State Senate, should be followed in the
17 election of delegates to the convention. Do I make
18 myself clear?

19 THE CHAIRMAN: Is that acceptable, Mr. Melvin?

20 MR. MELVIN: Yes.

21 MR. SCANLAN: To heck with the rest of you

1 fellows. Have to get along with these fellows. Is
2 that all right?

3 THE CHAIRMAN: Dr. Burdette.

4 DR. BURDETTE: I don't have my mind made up
5 on the question but I would present an issue not men-
6 tioned here and I don't have the answer to it. We are
7 debating the question whether people can better be
8 represented by a county-wide slate or something less.
9 In Baltimore City we answered it by saying that they
10 can better be represented by something less than a
11 city-wide slate.

12 One of the problems involved here is the
13 acquaintance with persons. I have a feeling that
14 citizens of Maryland in a county of 500,000 people it
15 is easy to get up a slate. While I might happen to
16 know them if they live in different parts of the county,
17 I don't know them well, but if they came from my section
18 of the county, I would be likely to know them better.
19 This question has to be faced as to whether or not
20 the citizenry would have access to the delegates which
21 is somewhat the neighborhood arrangement. I don't

1 have the answer. It is quite fundamental.

2 The problem Mr. Scanlan suggests is it is
3 easy to get up a county slate which comes from a
4 particular orientation of action groups. Not speaking
5 in partisan terms because we hope to have a nonpartisan
6 convention, which I support, but partisanship can be
7 clique partisanship. I want it representative as
8 possible.

9 MR. DELLA: Mr. Chairman, I think the
10 Committee ought to seriously consider the idea of
11 having the delegates to the convention elected through
12 the subdistricts. The reason I say that is because of
13 the real fight that went on in the reapportionment
14 program. If the Constitutional Committee comes out and
15 recommends that people be elected to the convention as
16 delegates at large from the counties, it will give
17 this group that much more ammunition to say if this
18 august body feels people can be better represented from
19 counties as a whole, why should they go along with the
20 Supreme Court decision. You add fuel to the fire. I
21 think if people are represented from their subdistrict

1 area, you will get a truly representative group.

2 MR. CLAGETT: The difficulty is you pass
3 over some of your best qualified people.

4 THE CHAIRMAN: What do you mean when you
5 say pass over?

6 MR. CLAGETT: By reason of the fact some of
7 your best qualified people may not be located in that
8 particular district. By restricting it to the district,
9 you are going to eliminate people that may have better
10 qualifications than those chosen as representatives by
11 reason of that restriction.

12 THE CHAIRMAN: Any further discussion?

13 MR. MILES: If you shift it to the State
14 Senatorial pattern rather than the House pattern, you
15 would have some counties that didn't have any delegates
16 which I think would be very unfortunate.

17 MR. DELLA: This would be based on the
18 representation in the House.

19 MR. MILES: Somebody suggested shifting it
20 to the Senatorial pattern.

21 MR. SCARAW: My understanding is the vote on

1 our recommendation does not foreclose the final Commission
2 recommendation on this controversial point whether they
3 should run from subdistricts or counties at large.

4 THE CHAIRMAN: That is right, as you amended
5 the recommendation.

6 MR. SAYRE: Every one of these considerations
7 brought up were considered by the Committee. Probably
8 a couple of others also. But the crux of the problem
9 was really the idea that how would you gain the best
10 representation, the best quality and ability, from a
11 locality, and it was felt that in a county where you
12 would have natural accommodations being made just in
13 anticipation of the event that that was perhaps the best
14 way to get delegates.

15 I am just wondering if that doesn't seem to
16 be something acknowledged, that there would be
17 accommodations forthcoming, if we could gain a consensus
18 or just a feeling on this point and then go ahead.

19 MR. SCANLAN: They are going to get a crack
20 at it in our proposed enabling act. We have to do it
21 one way or another in that draft and they can vote it

1 up or down. They are acquainted with the problem.

2 THE CHAIRMAN: I think the discussion has
3 been general enough that you can get the consensus
4 by reading the report to the extent you would get it in
5 a vote at this time.

6 DR. BARD: The only thing I was going to say
7 was we tied in their numbers and the whole concept with
8 the new arrangement in the House of Delegates. I
9 think there is some merit in actually filling it in terms
10 of the district arrangement which was tied in with the
11 142.

12 THE CHAIRMAN: Any further discussion?
13 Ready for the question? Question will be on the approval
14 of the recommendation as amended. That is, that qualifi-
15 cations of the delegates to the constitutional convention
16 be that he be at least twenty-one years of age, have
17 resided in Maryland for at least three years, and at
18 least the last year prior to the time of his election
19 have resided either in the county or in the subdistrict
20 thereof from which he runs. This latter question being
21 specifically reserved for future Commission action.

1 Ready for the question?

2 MR. MARTINEAU: Question.

3 THE CHAIRMAN: Those in favor signify by
4 saying aye, contrary, no. Ayes have it. Recommendation
5 is approved. Fifth Recommendation.

6 MR. SCARLAN: The Committee didn't dally
7 long on this issue. The recent constitutional convention
8 in Connecticut had to act on all matters except,
9 I believe, adjournment, a few things like that, on the
10 basis of a two-thirds rule. They had to have two-
11 thirds to carry anything. We found no other constitutional
12 convention that imposed such a restriction on the principle
13 of majority rule. Certainly the previous Maryland
14 constitutional conventions did not.

15 We wanted to be sure that the Commission would
16 recommend in the enabling act that in the constitutional
17 convention majority rule would prevail on the substantive
18 issues. Naturally we don't mean to imply here if the
19 convention adopted Roberts Rules of Order, that you
20 still wouldn't have two-thirds vote to cut off debate on
21 the previous question, that sort of procedural situation.

1 All we are talking about here is the substantive votes
2 of the convention should be by majority rule by a
3 majority of the members of the convention.

4 THE CHAIRMAN: Majority of the members?

5 MR. SCANLAN: Of the delegates.

6 THE CHAIRMAN: Or majority of those in
7 attendance at any given time?

8 MR. SCANLAN: Provided a quorum is present,
9 a majority of those in attendance at any given time.

10 MR. ADKINS: Is this a matter for this
11 Committee or properly a matter for the convention
12 itself in adopting its own rules?

13 THE CHAIRMAN: It is a matter for the
14 convention, of course, but the Commission earlier
15 adopted the suggestion of the Convention Procedures
16 Committee that it have ready and available a complete
17 set of rules that could be considered by the convention.
18 This in an effort to expedite the work of the convention.

19 MR. ADKINS: Would not, however, be in the
20 enabling legislation?

21 THE CHAIRMAN: In it would be merely recommenda-

1 tions.

2 MR. SCANLAN: I think the enabling act,
3 leaving aside whether the enabling act would provide
4 for the procedures that the convention should follow,
5 certainly I think it would be proper for the enabling
6 act to make it clear that on substantive matters a
7 majority of the delegates in attendance and voting would
8 carry the day. I think it would be wrong for a group
9 elected by the people to come down and say well, we are
10 not going to pass anything unless three-fifths or
11 two-thirds approves. In Connecticut they put a two-
12 thirds rule in the Statute.

13 THE CHAIRMAN: Had the previous Maryland
14 Statutes calling conventions ever fixed the vote, do
15 you know?

16 MR. SCANLAN: I don't believe they did. No,
17 they did not.

18 THE CHAIRMAN: Dr. Winslow.

19 DR. WINSLOW: Doesn't this raise a question
20 whether the Legislature by enabling act can really
21 control the convention?

1 THE CHAIRMAN: This was the thought running
2 through my mind when I asked the other question. Other
3 than Connecticut, have any other states undertaken to
4 regulate this matter?

5 MR. SCANLAN: Other states have made it
6 clear that majority rule prevails. I think this is
7 one area -- leaving aside the legal problem of whether
8 constitutionally the Legislature can control the
9 convention, I don't know the answer to that, they can
10 try -- I think this is one area where they ought to make
11 it perfectly clear that majority rule is to be followed.

12 MR. MILLER: I think, Mr. Chairman, our
13 subcommittee had the feeling that there ought to be
14 some ground rules laid down in the enabling act. This
15 was one of them. Of course, once the convention gets
16 off, it will certainly have latitude to adopt rules for
17 its own procedure.

18 But the theory was that we ought to have
19 enabling legislation that would permit them to start
20 without any argument as to what the rules were at the
21 beginning.

1 THE CHAIRMAN: Any further discussion?
2 Questions? Does anybody know offhand -- I was trying
3 to see if I could find the answer, I don't know it --
4 whether the present constitution, Article 3, dealing
5 with the Legislative Department, undertakes to say
6 the vote by which the Legislature shall pass legislation?

7 MRS. FREEDLANDER: Mr. Chairman, there are
8 rules that are part of the House of Delegates and
9 Senate which they adopted.

10 THE CHAIRMAN: I know about the rules but
11 I am speaking of the constitution.

12 MR. BROOKS: There is a constitutional
13 provision requiring majority vote on substantive matters
14 by majority of those members of the Legislature if that
15 is what you are referring to. That is in the constitution,
16 called the constitutional majority.

17 MR. SAYRE: As distinguished from present
18 and voting.

19 MR. BROOKS: That is right.

20 MR. MARTINEAU: Section 28.

21 MR. BROOKS: States generally split on this,

1 about 50-50, to have this requirement of the Legislature.
2 It is a rather awkward requirement in that it means
3 there can be no abstentions when you have such a rule.

4 THE CHAIRMAN: Any further discussion?

5 MR. MILLER: Question.

6 THE CHAIRMAN: The question is on the
7 approval of the Fifth Recommendation which is that the
8 enabling act provide that the convention on substantive
9 matters shall act by majority vote. All those in
10 favor signify by saying aye, contrary no. The ayes
11 have it. So ordered. Sixth Recommendation.

12 MR. SCANLAN: The Sixth Recommendation,
13 Mr. Chairman, deals with the problem of authorizing the
14 convention to employ a staff. I think it is perfectly
15 obvious in order to have a successful convention you
16 have to have a competent staff. Many of the staff
17 personnel, of course, could and would be state employees
18 temporarily borrowed from other agencies of the Govern-
19 ment such as for instance the Legislative Reference
20 Service. Perhaps the Comptroller's Office and Attorney
21 General's office, and so forth.

1 We wanted to make it clear in any enabling
2 act that not only would the convention have authority
3 within the budgetary limitations that the General
4 Assembly might impose to hire an adequate staff but
5 specifically we wanted to be sure the convention had
6 authority to hire a secretary, who really is the most
7 important officer or staff member of the convention, and
8 should not be a delegate because it is a full-time job.
9 A parliamentarian and perhaps a public information
10 director. There should be a specific compensation the
11 General Assembly might think proper but certainly
12 compensation that might attract competent people in
13 these three important positions. We so recommend.

14 THE CHAIRMAN: In view of the fact that the
15 expense of the Commission must come through the budget
16 and this would be the budget for the fiscal year
17 beginning July 1, '67, that means it would have to be
18 passed at the legislative session in January of 1967.
19 Does the Committee contemplate recommending to the
20 Governor that there be a lump sum included in that budget
21 for the expenses of the convention?

1 MR. SCANLAN: Yes, we do.

2 THE CHAIRMAN: Has there been any thought as
3 to the amount to be recommended?

4 MR. SCANLAN: Not at this point, Mr. Eney.

5 THE CHAIRMAN: That would be a recommendation
6 of the Commission to come from your Committee at a later
7 date?

8 MR. SCANLAN: That is correct.

9 THE CHAIRMAN: Any further questions? Any
10 further discussion? Ready for the question? Those in
11 favor signify by saying aye. Contrary no. Ayes have
12 it. So ordered. The Seventh Recommendation.

13 MR. SCANLAN: The Seventh Recommendation
14 deals with the election of delegates to the constitutional
15 convention. As you know, the convention, if it is
16 approved at the referendum, will begin September 12,
17 1967. Therefore, we have no real choice. There are
18 no primary or general elections scheduled to take place
19 in 1967, and therefore, we couldn't have election of
20 delegates conducted in conjunction with a primary or
21 general election.

1 That means therefore that the delegates
2 would have to be elected at a special election. This,
3 of course, has the disadvantage perhaps of reducing
4 the turnout of the electorate. On the other hand, it
5 would enhance the possibilities that the election for
6 delegates would be truly a nonpartisan election, some-
7 what free of the usual bitter partisanship that creeps
8 into all our Maryland elections.

9 In any event, we have no real choice but
10 we would recommend that the Commission recommend that
11 the delegates to the September 12, 1967, constitutional
12 convention be elected in the special election held
13 on the first Tuesday after the first Monday of the month
14 of June, 1967.

15 I think in an earlier report, one of our
16 first, we were able to provide some idea of what a
17 special election would cost. I think the Attorney
18 General's office said \$750,000 at that time. It might
19 be a little on the low side.

20 THE CHAIRMAN: Dr. Dard.

21 DR. DARD: I think, Mr. Chairman, that it is in

1 too bad that somehow or other this state couldn't
2 be tied in with the Mayoralty election which does take
3 place in 1967. This is a large segment of the state
4 vote. However, holding it in June will not be too
5 bad. It would be previous to the primary for the
6 Mayoralty election. It would mean in Baltimore City
7 by way of illustration there would be three elections
8 that year, a special one, the primary, and then the
9 general Mayoralty election.

10 MR. SCANLAN: When is your general Mayoralty
11 election in Baltimore?

12 DR. BARD: November, primary in September.

13 MR. SCANLAN: It would be too late.

14 DR. BARD: I think we ought to recognize we
15 have considered all this and this is my reason for
16 mentioning it.

17 THE CHAIRMAN: In light of that, I would
18 like to pass on to the Committee a suggestion for
19 consideration and perhaps research and conclusion in the
20 enabling act. That is the suggestion that has been
21 made that if the delegates be elected in June, even though

1 the convention does not formally meet until September,
2 perhaps the Legislature could provide that the conven-
3 tion meet at an earlier date solely for the purpose of
4 electing the president and such other officers as
5 necessary and enabling the staff to be assembled, the
6 committees to be appointed and research materials to be
7 circulated, and so forth. So that this much could be
8 gained by the fairly long interval between June and
9 September.

10 MR. SCANLAN: I am glad you said that,
11 Mr. Chairman. We had some preliminary discussions as
12 to whether or not that might be feasible so we would
13 be ready when the gun shot on September 12 to have been
14 away from the mark and have the organizational work
15 done. We will pursue that and hopefully have a
16 recommendation on that.

17 THE CHAIRMAN: I take it that the calling
18 act you would submit following this recommendation would
19 contain all details as to filing; and party designation
20 or absence of party designation?

21 MR. SCANLAN: That is right, we have a draft

1 we are working on now and hope to have it to you by the
2 next meeting.

3 MR. DELLA: Would that include how they
4 are to be nominated?

5 MR. SCANLAN: Yes, that is right, we are not
6 going to have a primary. It will be a complete proposed
7 enabling act for the Commission's consideration.

8 THE CHAIRMAN: Any further questions?

9 MRS. FREEDLANDER: Question.

10 THE CHAIRMAN: Ready for the question on the
11 approval of Recommendation Seven as to the election of
12 delegates at the special election on the first Tuesday
13 after the first Monday of June, 1967. All those in
14 favor signify by saying aye, contrary no. The ayes
15 have it, so ordered.

16 Question Eight.

17 MR. SCANLAN: This is the last item in the
18 report, namely, when would the people be asked to
19 vote on the question of whether they approve or dis-
20 approve the recommendations of the constitutional conven-
21 tion? Traditionally we have had a May primary and if

1 it wasn't for the recent action of the General Assembly
2 a year ago, a May primary would be scheduled for May,
3 1968. But, as you know, the primary date has been
4 shifted to September.

5 Thus we would have the constitutional
6 convention sending its report to the Governor and
7 General Assembly and to the people some time in the
8 beginning of 1968. That would mean if we waited for the
9 next primary at which to submit the question to the
10 people, we would have to wait until September of '68,
11 a very long period of time.

12 The Commission concedes the need and desira-
13 bility of a public education program of what the
14 constitutional convention may have done, the people are
15 entitled to know what the convention has recommended
16 and discuss the merits and demerits of their proposals.
17 But it seems to us that would be an inordinately long
18 period of time.

19 Michigan had a similar problem. That conven-
20 tion adjourned in August, 1962, and they didn't vote
21 on the adoption of the recommendations of the convention

1 until April 1, 1963. By that time a terrible
2 squabble broke out on several fronts, especially the one
3 between business and labor on the tax situation and the
4 reapportionment situation.

5 As a consequence, it almost resulted in the
6 defeat of an otherwise meritorious and modern state
7 constitution, it carried by 7000 votes out of 1.6
8 million cast. We think one of the reasons was the
9 inordinately long period of time in which this debate got
10 steamed up, got quite bitter, and jeopardized the new
11 constitution.

12 Balancing the need on the one hand for per-
13 mitting the public to become acquainted with the recommen-
14 dations of the convention, and indeed having good
15 debate about them in the various civic groups, et cetera,
16 against the hazard that the period of time could be too
17 long, we recommend that the special election be held
18 in which the proposed constitution would be submitted
19 to the voters that this be not less than 90 days. In
20 other words, that there would be at least 90 days of
21 public discussion. Not less than 90 days after the

1 proposed constitutional convention adjourns and as
2 soon as practical thereafter.

3 In practical terms, if we had a May primary,
4 if the Legislature's next session switches the primary
5 date back to May, '68, your Committee would recommend
6 that the vote on the constitutional convention be
7 held in a special election held that day. If the
8 Legislature doesn't switch the primary date back to
9 May, it is our recommendation that there be a special
10 election on the adoption of the new constitution on
11 the first Tuesday after the first Monday in May, 1968.

12 THE CHAIRMAN: Any questions? Any discussion?
13 Ready for the question?

14 DR. BUDDITE: I am very reluctant to have
15 another \$750,000 bill in Maryland. I hope the
16 Committee has researched the problem of the squabble
17 being serious enough.

18 I would mention another argument which I think
19 might be introduced in this report if the Committee
20 cares to do it or in literature backing it up. I should
21 think after the constitution is adopted, there will be

1 some need for coordination of legislation with the new
2 constitution, and adopting it in May would enable us to
3 know in the state before the session of the Legislature
4 the following January more effectively than if adopted
5 in September. This is another strong argument that
6 comes to my mind but I do confess reluctance to have
7 a \$750,000 bill that might be avoided.

8 MR. SCANLAN: The Legislature can avoid it,
9 just switch the primary back.

10 DR. BURDETTE: That raises the question
11 whether we are urging the Legislature to switch the
12 primary back.

13 MR. SCANLAN: I don't like to squander
14 \$750,000.

15 THE CHAIRMAN: Any further question? The
16 question arises on the approval of the Eighth Recommendation
17 that the vote on the proposed constitution be made
18 not earlier than 90 days after adjournment of the
19 convention, as soon thereafter as practical. Those
20 in favor signify by saying aye. Contrary no. Ayes
21 have it. Thank you, Mr. Scanlan.

1 MR. MELVIN: May I ask a question? I was
2 out of the room at the time. We were on Item Five,
3 majority vote. Was that a majority of those present?

4 THE CHAIRMAN: Majority of the elected
5 delegates.

6 MR. MELVIN: Thank you.

7 MR. MILLER: Majority of those in attendance
8 with a quorum.

9 THE CHAIRMAN: Did I misstate it?

10 MR. SCANLAN: Majority of those in attendance
11 and voting assuming a quorum has been formed.

12 THE CHAIRMAN: Sorry.

13 DR. BIRD: I must say I felt the same way
14 as Mr. Melvin because I felt that was why you referred
15 to Section 28 of Article 3 of the constitution, which
16 says no bill shall become a law unless it be passed in
17 each house by a majority of the whole number of members
18 elected.

19 THE CHAIRMAN: I asked the question before
20 and I was wrong a moment ago because I think Mr. Scanlan
21 quite clearly said it was a majority of those present

1 and voting if a quorum was present.

2 MR. MELVIN: Mr. Chairman, I don't know
3 whether there was any discussion on it because I was
4 out of the room but it seems to me that on substantive
5 matters it should be a majority of the members elected,
6 on something as important as the constitution. I don't
7 know whether it is possible to go back and reconsider
8 it or not or whether any of the other members feel the
9 same way. If they don't, that would be the end of it.

10 THE CHAIRMAN: Mr. Scanlan, do you want to
11 comment?

12 MR. SCANLAN: We felt a majority of those
13 present and voting was sufficient protection. If you
14 went the other way, some important issues might not get
15 considered or not considered expeditiously. There would
16 be the possibility of a filibuster. We would think that
17 most of the delegates would have enough interest in
18 their work to be there and with an important vote coming
19 up they would be there. We found no reason to limit a
20 group representing the people with somewhat artificial
21 parliamentary restrictions about the vote required to

1 pass something. I admit there is a difference of
2 opinion here.

3 MR. MELVIN: What would you contemplate a
4 quorum would be?

5 MR. SCANLAN: A quorum would be one more than
6 half.

7 MR. CASE: Mr. Chairman, I think Mr. Melvin's
8 apprehension on this perhaps runs from his service in
9 the Legislature where you do have the requirement of a
10 constitutional majority. But there is a difference
11 here because when you are dealing with legislative
12 process, a bill is passed and it goes to the Governor
13 and moves out of the deliberative body, whereas, in this
14 case, I take it an issue can be perhaps settled by a
15 majority of those present. But then if that doesn't seem
16 to be a sound thing to do, it can be reconsidered before
17 it moves out. So there is nothing really final about it
18 until the constitution itself is locked up and put in
19 the final press. I think this is the difference. I
20 think that's why Mr. Scanlan's suggestion probably is
21 proper.

1 THE CHAIRMAN: In line with that reasoning,
2 isn't it true that all preliminary votes in the Legis-
3 lature are by simple majority, that is, other than
4 third reading and final passage?

5 MR. CASE: I think so.

6 MR. MELVIN: Not on a bill.

7 THE CHAIRMAN: Each reading has a majority?

8 MR. MELVIN: The final reading.

9 THE CHAIRMAN: Just the final reading?

10 MR. MELVIN: Yes.

11 THE CHAIRMAN: First and second reading is
12 by a simple majority of those present?

13 MR. MELVIN: Yes.

14 MR. ADKINS: I would join Mr. Melvin in this
15 discussion. It seems to me if we permit major changes
16 of a controversial nature such as described in this
17 constitution to be adopted by what could be 25 per
18 cent plus one vote, we are leaving the matter open for
19 substantial fights subsequent to the convention itself,
20 and adding weight to those people who might want to
21 oppose the constitution on that very ground. I think it

1 is going to be difficult enough with the major changes
2 that are being made by this group, assuming this group's
3 proposals are somewhat close to what is adopted, going
4 to be hard enough to sell many of them to the state,
5 without going to the state in convention which acted
6 only with 25 or 26 per cent of its total membership or
7 could in theory act that way.

8 THE CHAIRMAN: Wouldn't Mr. Case's point
9 protect you there?

10 MR. ADKINS: Not necessarily because in the
11 press of business it seems a motion to reconsider is
12 going to be a very difficult motion to get on the floor
13 and heard. If you adopt something and a dissident group
14 wants a motion to reconsider, it seems to me you're
15 inviting much more legislative entanglement or legislative
16 or parliamentary entanglements than if you required a
17 constitutional majority originally.

18 MR. MILLER: I am afraid those gentlemen
19 aren't considering the question of time and smooth
20 running. It might be perfectly all right to have a
21 provision that final adoption of the constitution would

1 have to have that statutory requirement. But in the
2 normal running of this affair there will be many times
3 that there will be votes taken when there is a quorum
4 present but half of the membership will be out working
5 with the subcommittee or something. If you tie it
6 down to a majority vote on all interim matters, it
7 seems to me it would make it very clumsy and you would
8 have to have a roll call on a lot of housekeeping. It
9 would seem to me that the most that should be required
10 would be that it would require more than half of the
11 duly elected members to make a final adoption.

12 DR. BARD: Could compromise.

13 MR. MILES: At the end of the convention
14 some action would have to be taken to put the final
15 stamp of the convention's approval on a document. That
16 I think clearly should require the majority vote.

17 MR. MELVIN: Under this rule we adopted
18 that wouldn't be required, would it?

19 MR. SCANLON: I suppose as a practical
20 matter, that would be the one time when every delegate
21 would be there.

1 MR. MELVIN: I would be afraid to risk that
2 assumption.

3 DR. BARD: Couldn't we insure this by merely
4 amending the motion we adopted and say that on the final
5 adoption of the constitution as a whole a majority of
6 the whole number of members elected be required?

7 THE CHAIRMAN: What is your pleasure?

8 MR. SCANLAN: We will accept that amendment.

9 THE CHAIRMAN: Do you want to make that as
10 a Committee amendment?

11 MR. SCANLAN: Yes. I will state it then
12 going back to Item Five, that we recommend that majority
13 rule be sufficient for all questions presented to the
14 convention, that is, majority of the members present
15 and voting, assuming a quorum had been convened, except
16 that upon final approval of the proposed constitution
17 or revisions of the constitution, final vote would have
18 to be approved by a majority of the delegates to the
19 convention.

20 THE CHAIRMAN: Is that agreed?

21 MR. MILES: I second it.

1 THE CHAIRMAN: Any discussion now on the
2 amendment to Recommendation Five? Any further questions
3 about it? Ready for the question?

4 MR. MELVIN: I have one question, I don't
5 want to belabor it. I think it is probably fair to
6 state that the convention might adopt certain sections
7 piece-meal, various articles, at a time. Does this
8 motion contemplate that those separate articles require
9 a majority vote or just the completed document?

10 MR. SCANLAN: I think the final vote on the
11 document, whether done in one fell swoop or they
12 vote on the final legislative article on Monday, the
13 final judicial article on Tuesday, another final article
14 on Thursday, it is the final action whether they do it
15 in one piece or divide it up.

16 THE CHAIRMAN: Any further question?

17 DR. HUDETTE: I hope your amendment will
18 be worded that way. I didn't catch whether it was when
19 read. I think you are quite right doing it that way.

20 THE CHAIRMAN: Any further questions?

21 MR. CASE: I would point out if you do it

1 that way you will have a big definitional problem of what
2 is subject to being final. In other words, if you are
3 going to have the vote on the legislative article, why
4 not have a final vote on Section 1 of the legislative
5 article? You can take this down to infinity. It seems
6 to me that if you do that, then you might just as well
7 change the Committee's recommendations and say a majority
8 vote of the whole shall be required on everything
9 because I think this will hamstring this convention
10 terribly. I would think that this is not the way to
11 approach it.

12 THE CHAIRMAN: It seems to me there is a
13 great deal of force in that. If you don't want to end
14 up with the enabling act creating more problems than
15 solved.

16 MR. CHAFFET: I was agreeing, as a member of
17 the Committee to the amendment on final approval of the
18 completed document.

19 THE CHAIRMAN: Mr. Scaplan. So that we will
20 have the record straight, can you state exactly what is
21 the recommendation of the Committee with respect to Item

1 Five?

2 MR. SCANLAN: The Committee recommends that
3 the Commission recommend to the General Assembly in the
4 enabling act that votes in the convention will be on the
5 basis of majority rule. That is, majority of those in
6 attendance and voting assuming a quorum is present with
7 the exception that in voting on the final approval of
8 the recommendations, that is, the complete document that
9 the convention sends to the Governor and the people,
10 such approval will require a majority of the delegates
11 to the convention.

12 THE CHAIRMAN: Do you understand the amend-
13 ment? Any further questions? Ready for the question?
14 Those in favor signify by saying aye. Contrary no.
15 Ayes have it with one no. So ordered. That concludes
16 the consideration of this --

17 DR. JEWELL: I raise one question, if I may,
18 Mr. Chairman. What will happen if we set a limit of
19 three or four months, what will happen in the event that
20 the convention does not conclude its work in this period?
21 What then will be the legal situation? I raise the

1 question if the Committee might well not at this
2 meeting consider an escape clause where the next session
3 of the General Assembly might provide a continuance.
4 It is quite conceivable there would be a filibuster or
5 something would happen. It seems to me under this
6 circumstance where we are now there simply would not
7 be a constitution. I raise that question.

8 MR. SCANLAN: I know some legal lights
9 maintain -- I believe Bob Martineau is one -- that
10 once the convention assembles, theoretically the General
11 Assembly can't control it. Then proceeding again
12 theoretically, I guess, the convention could stay in
13 session and thumb its nose or move up to Baltimore and
14 continue or go up to Frederick. There is always the
15 practical limitation they wouldn't get paid if they did
16 it.

17 On the other hand, if the situation arose --

18 DR. JENKINS: Our time is limited. I mention
19 that for the next meeting if it is important.

20 THE CHAIRMAN: I believe Dr. Jenkins is
21 merely suggesting this for consideration by the Committee

1 for action today.

2 Let's take a ten-minute break now..

3 (There was a short recess.)

4 THE CHAIRMAN: May we resume now, please.

5 Two matters which I overlooked this morning, one I men-
6 tioned but failed to act on. That is the authorization
7 to the Chairman with respect to the cooperative project
8 outlined this morning. If anyone will make a motion on
9 that --

10 MR. MENTHEAU: I so move.

11 MR. MILLER: Second.

12 THE CHAIRMAN: Any discussion? This would
13 be a motion to authorize the Chairman to make such
14 arrangements as might be necessary to carry into effect
15 the cooperative project outlined this morning. Those
16 in favor signify by saying aye, contrary, no. So
17 ordered.

18 I would like to ask the Committee on Style
19 to begin active consideration now of all drafts of
20 actual language submitted. Some are in the reports
21 being considered today. I would like in consideration

1 of these reports we not get into discussion of stylistic
2 matters at this time. If the Committee on Style could
3 be reviewing these in a preliminary way, making their
4 suggestion direct to the Committee Chairmen initially,
5 and subsequently to the full Commission if necessary,
6 but with the idea that in the preliminary consideration
7 of the reports and drafting, both today and next meeting
8 in July, we not get into discussion of stylistic
9 changes.

10 With that we move to a consideration of the
11 two reports of the Committee on Legislative Department.
12 This is the second report and the third report.

13 In connection with the second report, let
14 me first make an announcement as all of you are aware,
15 the Committee recommended that this report be considered
16 in executive session. This recommendation was considered,
17 it was felt that it was not necessary that it be
18 considered in executive session, that the matter was one
19 which could be discussed in public discussion.

20 The suggestion was made to Mr. Lund that for
21 many reasons besides the one reason mentioned in the

1 report it would probably be desirable that the Commission
2 not take any final vote today on the question of
3 unicameralism versus bicameralism. A number suggested
4 that this is a question they would like to reserve
5 decision on until they see more of the shape of the
6 document with respect to the Executive Department and
7 other departments. That decision was transmitted to
8 Dr. Bard and he is aware of it. Dr. Bard, you may
9 proceed.

10 DR. BARD: I might say, Mr. Chairman, our
11 Committee concurs in respect to this second thought
12 with regard to the discussion of the subject of unicameralism
13 versus bicameralism.

14 The Committee at this particular time would
15 like in an exploratory sampling on the part of the
16 entire Commission in respect to how Commission members
17 feel in regard to this question without taking a vote
18 at this particular session. As was made clear, it is
19 our feeling that the reports of other Committees would
20 have such important bearing on the final decision in
21 this respect that we would like to hold it until that

1 point.

2 We would like to acquaint you with the fact
3 that preliminary votes in this regard as far as our own
4 Committee is concerned indicate a division almost
5 clear down the center.

6 We would also like to acquaint you with the
7 fact that the hearings which we had with members of the
8 Legislature Committee indicates also a division of
9 opinion in this respect. Members of the Commission are
10 familiar with the reports we have heard on this particular
11 matter and the research persons who have been brought in.

12 With this in mind, Mr. Chairman, we think that
13 we would like to submit to the Commission as a whole
14 this background material and then have them indicate to
15 us without any formal motion their preliminary feelings
16 in regard to this question.

17 THE CHAIRMAN: Dr. Ford, I think it might
18 be helpful for the information of the Committee if you
19 would indicate more in detail the reactions of the
20 special legislative Committee when discussing this
21 issue.

1 DR. BARD: We have the full report. Mr.
2 Brooks, did every member of the Commission get a
3 copy of the first full report of the hearing?

4 MR. BROOKS: No, they did not, only your
5 Committee members.

6 DR. BARD: I am sorry, I had felt that
7 every member of the Commission had received a copy of
8 the full report.

9 We had two hearings with members of the
10 Legislature Committee. I would want to say that
11 Senator James, who is President of the Senate, and
12 Speaker of the House Mr. Mandel, as well as other
13 members of the Committee, were most cooperative in regard
14 to assistance that they gave us in respect to fourteen
15 questions dealing with issues that we raised in respect
16 to our Committee's deliberations. Perhaps foremost
17 among those fourteen questions was the one dealing with
18 unicameralism and bicameralism.

19 Members of the Legislature Committee were
20 divided in this regard. Interestingly enough, Senator
21 James and Senator Hughes, this was at an open session

1 so it would be known by those who read the press
2 report the following day, both indicated and some
3 members of the House of Delegates on the Committee
4 that they favored unicameralism particularly in respect
5 to some of the Supreme Court decisions in regard to
6 one man, one vote.

7 There were other members of this Committee
8 that felt that bicameralism was in order. The arguments
9 given on each side will be summarized as follows..
10 Those who believe -- by those members of the State
11 Legislature Committee -- those who believed in unicameralism
12 stated that as they saw it, there was no need for having
13 further review on the part of the State Legislature
14 in respect to a bill that was proposed. That one House
15 could deal with it. That, as a matter of fact, time
16 would be saved as they saw it and also time in Committee
17 hearings. Quite often there were Committee hearings
18 by both Houses and that would be unnecessary.

19 Those who favored bicameralism believed that
20 it had worked well, they believed that there would be
21 opportunities for some second thoughts and they indicated

1 some illustrations along these lines. They believed
2 that traditionally bicameralism has operated well.

3 I think this would summarize the feelings
4 on the part of those members who attended our hearings
5 in connection with this particular question.

6 Interestingly enough, the strongest support
7 for unicameralism came from those who are members of the
8 State Senate and the strongest support for bicameralism
9 came from those who are members of the House of
10 Delegates. There are other members of the Committee
11 who may want to add to this very brief summary on this
12 question.

13 THE CHAIRMAN: What the Committee would like
14 is an expression of views from as many members of the
15 Commission as care to speak without taking any vote.

16 MR. MILES: I would like to express my views
17 on bicameralism. I am for continuance of the two-House
18 set-up very strongly.

19 THE CHAIRMAN: Anyone else?

20 MR. MARTINEAU: I would like to ask Dr. Bard
21 a question. Dr. Bard, you referred to the consultants

1 that you have had. I got the impression from what you
2 said there was a split in those as to which they
3 favored.

4 DR. BARD: Not the consultants. Actually
5 you will remember from our reports of the consultants
6 that one consultant stated very clearly he was in
7 favor of unicameralism.

8 MR. MARTINEAU: I wondered if you had received
9 anything else.

10 DR. BARD: I don't think the consultants
11 were as clear-cut in their final feeling. Rather what
12 they sought to do was to line up the pros and cons.
13 This is fairly much what we have done as a Committee.
14 On the other hand, members of the State Legislature
15 Committee did express strong feelings in regard to one
16 way or another.

17 This particular Committee, our Committee at
18 this time would like to have not only your view in regard
19 to whether you prefer one over the other but your reasons
20 for preferring one over the other. We think this would
21 be highly important, not a mere statement, Mr. Miles

1 perhaps would want to implement his strong feeling.

2 MR. MILES: I think to begin with, this is
3 not the main reason I am against it but to me, I think,
4 you will attract a great deal of opposition to the
5 convention and Commission's whole program if you advocate
6 abolition of the two-House set-up. It is part of the
7 state tradition and history. I still think many mis-
8 takes can be corrected that are made in one House by
9 another House. I think it affords the people in the
10 smaller counties at least a feeling that they have some-
11 what of a more voice in it than if it is one House.

12 MR. SCALLAN: I would like to add one thing.
13 You will recall at the second hearing with the Legislators
14 I put that same question to Senator Hughes and to
15 Senator James. I asked them did they feel that if the
16 convention or the Commission recommended unicameralism,
17 their reply was it might jeopardize the adoption of the
18 entire document, wasn't that true, didn't they indicate
19 they had to admit that if unicameralism became an issue,
20 the entire question of constitutional reform could be
21 jeopardized?

1 DR. BARD: It's in our report but the word
2 "might" was one of conjecture rather than one of
3 strong supportive data.

4 MR. CASE: Mr. Chairman, it seems to me that
5 rather than the Commission helping the Committee in
6 this particular regard, it would be incumbent upon the
7 Committee to help the Commission because if anybody
8 wants to follow the old adage that you can always
9 speak better on a subject if you don't know the facts,
10 this is that case. You have three pieces of paper here
11 on the most important subject probably or one of the
12 most important subjects that is going to come before
13 this group.

14 THE CHAIRMAN: No, it has heretofore been
15 circulated to the Commission, a rather sensitive
16 memorandum with all pros and cons.

17 MR. CASE: If so, I have forgotten it. It
18 does seem to me that before the group acts then, or even
19 before I want to express a view, I would like to hear
20 a lot more of the pros and cons discussed, not merely
21 what is in these three sheets of paper, but also the

1 tracing of history of it back from the time that George
2 Norris started in Nebraska.

3 THE CHAIRMAN: There is a research memorandum
4 you will find in your file that does precisely this.

5 DR. BARD: We have three such papers which
6 did that. We had a lengthy meeting in this respect on
7 this very subject, you will recall. In addition, we
8 distributed material that does the very thing you've
9 mentioned.

10 The point of your deliberations today, as
11 we would see it, would be that now we have advanced
12 to this point, we have a feeling that we would like to
13 know your thoughts in this connection on two scores.
14 I think your question is a good one in this respect.

15 First, your thoughts on this question in
16 relation to how it would affect that portion of the
17 document with which you have relationships. For example,
18 let us say the area of the budget on which you are
19 working or the area of finance. How would it affect
20 this area? Now you have had a good deal more familiarity
21 than you did when we first came into being.

1 Secondly, we would like your thoughts detached
2 from your particular area but within a more comprehensive
3 embracement. It is the first idea that would be
4 important for us at this point.

5 MR. CASE: I didn't understand that.

6 THE CHAIRMAN: I think perhaps you missed
7 the meeting at which this was discussed at some length,
8 but there was also this research memorandum.

9 MR. HOFF: Speaking from twenty-some years
10 experience in both Houses of our Legislature, I come
11 up with the firm conviction that as many checks and
12 balances as you can place upon Legislature, the better,
13 I think this can best be achieved by having two Houses
14 of Legislature rather than one.

15 THE CHAIRMAN: Mr. Clagett.

16 MR. CLAGETT: As Chairman of the Local Legis-
17 lation and Political Subdivisions Committee, I firmly
18 believe that a unicameral Legislature would be a more
19 effective tie in with home rule. Since we have in that
20 Committee and through the Commission concluded that home
21 rule will be mandatory, I feel that you get a more

1 direct responsiveness insofar as your home rule operation
2 and problem is concerned with the Legislature where
3 you have a more clear definition of responsibility and
4 individuality than you do where you have the bicameral
5 set-up. That's putting in in a nutshell but I think
6 that way.

7 DR. BURDETTE: I should like to suggest to
8 Dr. Bard that in Nebraska the key question, I happened
9 to be in Nebraska at the time it turned up, went around
10 the issue in Senator Norris' mind as to whether or
11 not the Legislature genuinely provided checks or
12 whether it provided obfuscation under the bicameral
13 system.

14 I do not know the answer in Maryland. I
15 do not know that anyone has ever researched it.

16 I might say that going to Nebraska in the
17 fall of '34 and hearing Senator Norris say the great
18 problem was that legislation really got by deliberate
19 disagreement between the Houses into a third house which
20 was not representative of the people as a whole, that
21 the problem of legislation in Nebraska could be better

1 solved by unicameralism. Having a skeptical mind on
2 that subject, I might say I found Dr. Winslow had
3 written a book or issued a supplement to annals on the
4 subject of legislative committees, as I recall, it has
5 been thirty years, I felt that nobody had ever gone into
6 the question in any state as to exactly what happened
7 over a long period of time in resolving the difficulty
8 between Houses of Legislature. Not even Senator Norris
9 had done so.

10 I wrote my master's thesis on it. The thing
11 is published in one of the digests, in one of the
12 issues of American Political Science Review. In that
13 state there was almost no doubt at all that disagreement
14 between the Houses of Legislature was engineered in
15 order that the disagreement could be settled at the
16 last moment by senior members who were appointed to
17 conference committees. I have generally been told that
18 this has not been a problem in Maryland. I know of
19 no one who has researched it. I should think this is
20 quite central. We are really raising the question as
21 to whether or not this is responsive.

1 MR. MILLER: Mr. Chairman, I am one of the
2 advocates of the two-chamber system. Many of my
3 reasons have been very well stated by Mr. Miles and
4 Senator Hoff. I never sat in the Maryland Legislature
5 but I did have a great many years of experience in a
6 bicameral system.

7 One of the things that theorists and people
8 who are writing theory hold up as a whipping boy is the
9 conference committee. I served on a number of conference
10 committees and I have seen the work of hundreds of them.
11 I think they are one of the most valuable things
12 we have in Legislature. It is the one time, time and
13 time again a better bill comes out of a conference than
14 has been passed by either side. It has the advantage
15 of being executive session. Most people are patriotic
16 and most people want to do what's best for the whole
17 rather than their own particular little district.

18 But the many times that a member would not
19 dare oppose or be for a certain provision on the floor
20 because he hasn't courage to do it, knowing he would
21 never be elected again, but in the conference room he

1 will quietly subside and what's best for the whole goes
2 through.

3 I don't think that a conference committee
4 ought to be a whipping boy. I think it is a very valuable
5 part of the legislative system and I think it is very
6 valuable to have the two chambers for that reason.

7 DR. BURDETTE: Could I make a comment on
8 that? This is another thing to investigate. The
9 Congressional rules as I understand them provide that
10 the two chambers must make their decision between the
11 extremes of the positions of the two Houses. In the
12 Nebraska Legislature there was no such rule so that the
13 bill might have no relationship whatever to the legisla-
14 tion that had been considered in the chambers. I do not
15 know about Maryland.

16 MR. MILLER: As a practical matter, anything
17 the conference committee agrees on that is not subject
18 to a point of order when it comes back on the floor,
19 many times a provision that has never been considered on
20 the floor goes through almost unanimously.

21 The fact that the leadership selects the

1 members of the conference, of course, you come down to
2 a point where, no matter what you do, a legislative
3 matter is only going to be as good as the people you
4 have running the show. I am a great advocate of the
5 conference committee because I have seen many times it
6 has done a lot of good. Also in the hurried days of
7 a legislative session some bills that seem on the face
8 of them just ideal will go through one House or the
9 other and I remember on one occasion I think I was the
10 only voter on the House floor for an amendment. It was
11 voted down so quickly that it would make your head swim,
12 I had just gotten a telegram that morning. Five days
13 later the amendment that had been turned down in the
14 House almost unanimously went through the Senate without
15 any trouble and became law because of the opportunity
16 given to get the real facts of the matter before the
17 members of the House.

18 The checks and balances, as Senator Hoff
19 said, I think are very important. It is better to
20 have no law than a bad law in many cases.

21 THE CHAIRMAN: Dr. Jenkins.

1 DR. JENKINS: When this issue first arose,
2 I stated that my heart was with unicameralism but my
3 head was with bicameralism. I feel that with the one
4 man, one vote principle that the whole logic of the
5 situation is with unicameralism, but I felt it was not
6 politically feasible.

7 After the consultation with the Legislative
8 Committee, however, I feel that this is politically
9 feasible. This Commission, of course, will not have
10 the final say on the matter. If we were to vote for a
11 unicameral legislature, it would present the issue
12 to the constitutional convention and would have the
13 merit then of giving the electorate and the members of
14 the constitutional convention a good period of time
15 to debate the issue and to bring to the people an under-
16 standing of what unicameralism is.

17 THE CHAIRMAN: Mr. Conroy.

18 MR. CONROY: I would favor the unicameral
19 system for this reason. That while the bicameral system
20 has been on the Federal level because of the differences
21 in make-up and representation and election of personnel

1 to those two bodies, because of the Supreme Court's
2 decision that same meaning and basis and logic does not
3 follow for the states.

4 Just to preserve and go on and say that it
5 is politically infeasible to change systems at this
6 point doesn't seem to me to do real justice to the
7 temperament of the people. They are now aware that
8 there is a change and it is no longer, it would seem
9 to me no longer necessary to preserve bicameralism
10 when the logic is no longer there. Simply for tradition's
11 sake.

12 Checks and balances argument just gives you
13 a double vote for a bill, and there is no reason for
14 saying two votes on the same matter are any better than
15 one vote on the matter. If the personnel in the two
16 bodies is elected on the same identical basis, it seems
17 to me it ought to be but the one House.

18 The other point I want to make is here we
19 have had a prior meeting, we have had all the materials
20 submitted to us and reviewed and various other reports
21 are saying that they are contingent upon the vote on

1 this question of two House or one House system, I
2 fail to see the reason for the delay. I think we have
3 all had enough debate on this thing. We ought to bring
4 it to some conclusion.

5 THE CHAIRMAN: Judge Adkins.

6 JUDGE ADKINS: I would be reluctant to see
7 the historical tradition broken by going to a
8 unicameral legislature unless there are considerably
9 more compelling reasons than I have either heard, seen,
10 or read.

11 It seems to me this is one of the areas
12 where we ought to exercise some judicial self-restraint,
13 and unless there is compelling reason to make the change
14 or we feel there is a compelling requirement throughout
15 the state to make the change, we should stick to the
16 traditional approach. I haven't seen, read, or sensed
17 any demand on the part of the state as a whole for this
18 radical surgery.

19 I am impressed with the argument just made
20 about some of the logic relating to the bicameral
21 legislature being no longer right but it seems to me the

1 bicameral approach over the long pull tends to develop
2 stronger legislators than the unicameral system. I
3 think with the chance for what amounts to political
4 progression from what we call the lower House to the
5 upper House, there is a chance for men to exercise longer
6 experience in politics without at the same time becoming
7 completely bored in a monotonous job. That tends to
8 develop a more acute interest in the political career
9 which, I think, we need in Maryland.

10 I get back to the fact that, I think, we
11 ought not do it unless we are quite clear that the
12 reasons are compelling. I sense with a tradition both
13 at this level and committee level that compelling reason
14 must not be present. I express in lawyer's terms that
15 those advocating a unicameral legislature have not
16 met the burden of proof. For that reason I would oppose
17 it, certainly at this juncture, unless more facts are
18 developed.

19 THE CHAIRMAN: Mr. Sayre.

20 MR. SAYRE: With all due respect, Judge --
21 and I do respect your comments there -- I think there

1 are compelling reasons. I believe that the reasons that
2 tradition has dictated in the past are no longer
3 true, especially now we have essentially one man, one
4 vote. This has been voiced by both urban and rural
5 legislators. I myself took the position that I was for
6 bicameralism for political expediency, not because I
7 believe in it on its merits as opposed to unicameralism.

8 However, I think if we can say that is a
9 consideration but talk to the merits right now of
10 unicameralism versus bicameralism, then decide whether
11 this jeopardizes the adoption of a constitution in this
12 state, let's first discuss unicameralism.

13 I can only see two real arguments for bicameralism.
14 Number one, you have a second look through the second
15 House that gives an extra check or balance. The other
16 possible and, I think, a questionable argument is that
17 by virtue of having two bodies you may have two sets of
18 representation based on two different bases, one could
19 be a multiple unit district, another a single unit
20 district.

21 If that is felt to be good, we could go to

1 the far extreme and have proportional representation.

2 I don't think that argument would hold up.

3 On the opposite side we find a bicameral
4 legislature would be more expensive than a unicameral
5 legislature. It is slower, I think, without necessarily
6 improving the bill. In fact, just as often as not, I
7 think, it dilutes what otherwise would have been a good
8 bill. It is more subject to pork barrel and
9 hanky panky in my opinion. I think it dilutes
10 responsibility because if you don't do a good job in one
11 House, you can have the other House do it. It makes
12 no difference which House because both Houses were
13 guilty of passing unconstitutional bills that were
14 caught in the other House in this past session.

15 I don't think that something that has been
16 talked of for this long a time is radical. Right now
17 the whole country is discussing this proposition almost
18 in every state. Dr. Wigam from Nebraska just completed
19 his Ph.D. thesis on the unicameral system in Nebraska.
20 He is presently working for the only Democrats in
21 Nebraska right now. He testified recently pointing out

1 there isn't just one check and balance by virtue of
2 another house, with a unicameral body you have at least
3 six checks. He says when you get right down to it, you
4 are going to improve the responsibility of the legislator
5 by having him look harder, not relying on a second
6 look, but they will look harder.

7 It would be appropriate, I think, because he
8 can practically give his full thesis in an hour, if it
9 were appropriate to testify before your Committee.

10 You have among the checks the entire committee
11 process with its readings. You have the Appropriations
12 Committee. You have hearings. You have hearings that
13 are public. You have hearings in which other legislators
14 are called to testify where they are interested or have
15 a sponsorship involved.

16 You have the Executive Department with its
17 professional officials coming down to testify on the
18 merits of this or that bill as it affects the administra-
19 tion. You have the judiciary. You can also call upon
20 the Attorney's General's office as to the law.
21 Then you have floor debate and then the last

1 check, which is perhaps not to be elevated outside of
2 the responsibility of the legislator, but if you have
3 a competent staff and these professional staff members
4 are going over the proposed legislation, this staff
5 itself would be a most important check on something bad
6 or being submitted for consideration if it is not fully
7 elaborated upon. After you have all of this, you have
8 the potential veto of the Governor outside of budget
9 bills.

10 Then if you want to tie it in to where you
11 want to have a strong Legislature, the only real way
12 I can see you can strengthen it is by having one
13 body rather than by diluting strength through two bodies,
14 because one body can wield its muscles a lot more
15 effectively.

16 Of course, the final check is the electorate,
17 where if they don't like what that body does, they can
18 do what they have always done with both houses, but here
19 you can pin the responsibility a little more responsibly
20 on those who actually cast their vote. It is not buck
21 passing. Referendum could be a potential buck passing

1 but I want to stay out of that area right now.

2 The other thing is if we are concerned about
3 how to get the most for the dollar, there is no question
4 in my mind that a unicameral legislature could have 50
5 per cent more staff with at least half of the cost we
6 are presently having now on a bicameral basis.

7 THE CHAIRMAN: Let me remind the Commission
8 that at the last full discussion of this question some
9 months ago after the various statements, research
10 papers had been circulated, the Commission decided that
11 the Committee should draft and submit to a convention
12 ultimately drafts providing both a unicameral and a
13 bicameral legislature. Further decided after full
14 discussion by this Commission that this Commission would
15 make a recommendation to the convention on one or the
16 other.

17 It is to this second part of the question
18 that the Committee has been directing its recent efforts.
19 It is not submitting today the decision of that question
20 to the Commission. It will still be submitted to the
21 Commission at a later date.

1 The reason for the discussion today stems
2 from the fact that on this one issue, whether the
3 recommendation should be for one or the other even
4 though both are drafted, the Commission heretofore
5 split almost evenly with a slight majority one way.
6 They had a hearing with the legislative group. They
7 split almost evenly with a slight majority the other
8 way. The Committee on its reconsideration, as I under-
9 stand it, again split almost evenly but with a slight
10 majority the opposite way.

11 I should have added that this Commission in
12 its initial discussion of this issue almost went
13 right down the middle also.

14 So that I think, Dr. Bard, you have gotten
15 about as much help as you can get from this group today
16 on this question.

17 DR. BARD: Yes, Mr. Chairman. I would
18 like to add this. Some of you may want to take notes
19 on papers and review them. First when you review Dr.
20 Graves' paper, which was rather definitive in this area,
21 Dr. Wheeler's paper, Dr. Mitchell's paper, Dr. Winslow

1 had a statement and at the moment I forgot the name of
2 the representative from Nebraska who -- the administra-
3 tive assistant --

4 MR. SAYRE: I can't remember the Congressman
5 but I believe Dr. Wigam.

6 DR. BARD: That would be important. I would
7 also suggest that you might want to review some of the
8 papers that appeared in the 1920's.

9 THE CHAIRMAN: Let me suggest rather than
10 everybody try to make notes, when this matter is next
11 on the agenda for action by the Commission, I will ask
12 Mr. Brooks to append to the report of your Committee
13 a note calling attention to those earlier papers so they
14 can be reviewed.

15 DR. BARD: I think every member of the
16 Commission should have a copy of that portion of this
17 lengthy report which gives the views of members of the
18 Legislature.

19 MR. CASE: That has not been circulated.
20 It is one of the things I had in mind.

21 DR. BARD: You are right. This should have

1 been circulated. I am sorry you don't have it. I
2 think this particular discussion has brought to mind
3 the fact that it needs to be circulated. You are
4 correct in this view. You have been most helpful in
5 this regard.

6 We do want next time for you to give some
7 thought along the lines of how your own particular
8 report would be affected by the decision one way or
9 another. Might we move --

10 MR. SCANLON: I want to add a factual point
11 that I don't think is clear. Since the Supreme Court's
12 decision in Baker versus Carr in 1962, the following
13 states have had opportunity to consider whether they
14 wanted to jettison the bicameral legislature and
15 adopt the unicameral. Michigan, Connecticut, Rhode
16 Island, now most recently the Kentucky Constitutional
17 Revision Assembly, an arm of the Kentucky Legislature,
18 has submitted very significant proposals to amend the
19 Kentucky constitution but again unicameralism was not
20 adopted. There has been some discussion that this is
21 being considered in all states. The four states that

1 have considered it have come up on the side of bicameralism.

2 MR. BROOKS: Except Rhode Island which has
3 not resolved it. It is coming up again.

4 MR. SCANLAN: They have rejected it but
5 everything is subject to reconsideration. It is simple.
6 On the one hand, too many cooks spoil the broth; on the
7 other hand, two heads are better than one. Take your
8 choice.

9 THE CHAIRMAN: Before leaving this, Governor
10 Lane has a comment to make from the point of view of
11 the Governor.

12 GOVERNOR LANE: First I will admit that every-
13 thing said has some appropriate background and disagree-
14 ment with the bicameral system. However, looking at it
15 from my own experience, I think although it is expensive,
16 although it delays, while the Governor is not permitted
17 to vote in either House, he can send them a message of
18 persuasion, but he has no individual act that he
19 influences one way or the other.

20 However, the complete result insofar as his
21 further duty as to whether or not he shall approve

1 legislation or veto it, he gains a lot of information
2 as to what he should do to guide him when it finally
3 gets to him if it does. Therefore, I have some personal
4 feeling in favor of the bicameral system.

5 MR. MARTINEAU: Mr. Chairman, I should like
6 to mention one point that hasn't been discussed up to
7 now. I think it is a consideration that weighs heavily
8 in my mind.

9 That is that in the Senate as it is now going
10 to be constituted there are certain counties that in
11 effect will have no representation. I think this is
12 going to continue in the future where small counties
13 are going to be joined in senatorial districts with
14 large counties, the smaller counties are going to wind
15 up without any representation.

16 I think it is a mistake to think of the
17 Senate as being something which protects the smaller
18 jurisdictions in the state. I think it would work just
19 to the contrary. I would like the Committee in consider-
20 ing this to consider the possible evil effects upon
21 certain counties in the state by having actually no

1 representation in one House of the Legislature.

2 THE CHAIRMAN: Let's move now to considera-
3 tion of the third report of the Committee on Legislative
4 Department.

5 DR. BARD: Mr. Chairman, let's start with
6 III, Page 3, then I think actually the first recommenda-
7 tion^{which}/is II will have more meaning if we come back to it.

8 THE CHAIRMAN: Very well.

9 DR. BARD: The first recommendation is that
10 terms of Recommendation Three deal with length of term
11 of Legislators, that the terms of the members of both
12 the Senate and House should be four years, which is
13 what it is now. However, that the terms of members of
14 both Houses should be staggered so that one half of the
15 members of the House and one half of the members of the
16 Senate would be elected every two years except for the
17 first election.

18 At the first election after the adoption of
19 the new constitution, one half of the members of both
20 the House and the Senate would be elected for a six-
21 year term. The other half would be elected for a four-

1 year term. Thereafter all Legislators would serve four-
2 year terms. Lots would be drawn after the election had
3 been held to determine which Legislators would run for
4 the six-year term and which would run for the four-year
5 term at the first election of the Legislature held after
6 adoption of the new constitution, with each House
7 dividing itself into groups. These lots would be so
8 drawn so there would be some from each county or each
9 Legislative district in case of Baltimore City that
10 would hold six-year terms and some that would hold four-
11 year terms.

12 The two important recommendations here are
13 that we continue the Senate and the House and four-
14 year terms and, the second one, that we have these
15 terms staggered. I am interested in the fact that this
16 new constitution of Kentucky has staggered terms. Might
17 we address ourselves then to this point unless, Mr.
18 Chairman, you would like to know some of the reasoning
19 behind our decisions. I would be happy to read those to
20 you.

21 THE CHAIRMAN: If you could summarize them,

1 it would be helpful.

2 MR. BARD: Feelings were as follows. That
3 the staggered term would present a number of advantages.
4 First, as far as the multiple member districts are
5 concerned, let us say a district such as the Third
6 District in Baltimore City where you have eight members
7 of the House of Delegates, in the primaries you might
8 well have something like forty persons running for those
9 eight jobs. You have two Senators. You could well
10 have ten running for those particular positions. Our
11 feeling was that this would cut down on the length of
12 the ballot. It would be a shorter ballot. This would
13 be important.

14 Secondly, when sharp shifts in political
15 sentiment occur during the four-year period, the
16 Legislature would be a more truly representative body.
17 That is, one half of it would come in as a result of
18 the sensitivities of the particular time.

19 Furthermore, there would always be assured
20 that there would be an experienced portion of the
21 Legislature for any particular session of the State

1 Legislature.

2 We would still have the elections in even
3 years. This summarizes the reasons behind our
4 recommendation.

5 THE CHAIRMAN: What effect does it have on
6 the number of elections, total, between Federal and
7 state?

8 DR. BARD: You would have your Congressional
9 elections every two years anyway in even years. So
10 that you would have one portion of the House and Senate
11 elected at the time of your Congressional elections
12 that are nonpresidential congressional elections and the
13 other portion elected during a presidential election
14 term.

15 In other words, this would cut down on the
16 number to be voted upon at any particular time as we
17 see it.

18 THE CHAIRMAN: I still don't follow your
19 time. You had your Federal election in '65?

20 MR. BARD: No, you have your Congressional
21 elections in '66 anyway. Members of Congress. You have

1 your presidential election in '68. Would that not
2 be true? You would have a portion of the membership of
3 the House of Delegates and the Senate in 1970 and
4 again in 1972. So some of it would come up when the
5 President was elected, some when Congressmen are
6 elected every two years.

7 MR. MARTINEAU: And when the Governor is
8 elected?

9 DR. BARD: Yes.

10 MR. MILES: You propose in your report, I
11 believe, that the man or woman be not necessarily
12 residents of the county or Legislative district.

13 DR. BARD: That is another recommendation
14 that doesn't necessarily tie in with it.

15 MR. RUSSELL: I might state the Elective
16 Franchise report states the proposal: Shall be held
17 in 1970 and every even year thereafter, which would tie
18 in directly.

19 DR. TEMPLETON: How would the lot drawing
20 process work?

21 MR. MINDEL: I think before doing that

1 Paragraph 4 should be corrected. As it reads now, it
2 talks about lots being drawn after elections had been
3 held to determine which Legislators would run or serve.

4 DR. BARD: Would serve. That is a typing
5 error.

6 MR. MINDEL: It appears several places and
7 should be corrected.

8 DR. BARD: Should be serve not run.

9 MR. BROOKS: There would be a general election
10 of all Legislators and they would divide themselves
11 into two groups and then the captain for each team would
12 draw lots. One group would be four years, all rest
13 six years.

14 MR. SCAMMON: Wasn't it true at one time we
15 did have staggered terms in Maryland?

16 THE CHAIRMAN: Yes, that is right.

17 MR. CASE: Mr. Chairman. I must say for
18 reasons on another subject already stated by Colonel
19 Miles and others here this breach with what was considered
20 one of the real great reforms in this state back a few
21 years ago, to turn back to the very reason why reform

1 was put in in the first place doesn't commend itself
2 to me.

3 The history of it is, as I understand it,
4 that we did have staggered terms of the general
5 assembly prior to the Fewer Elections Amendment to the
6 Constitution. The reason why/^avery distinguished group
7 recommended this amendment and the amendment was
8 adopted and the claim generally throughout the state
9 was the tremendous confusion and expense and nonworkability
10 of staggered terms of people in the General Assembly.
11 The Committee offers two reasons it thinks its proposals
12 should be adopted. One is length of the ballot which
13 to me is not a very sound reason because it impinges
14 to some extent on the intelligence of the electorate
15 and we have to assume an intelligent electorate.

16 Secondly, sensitivity of members in elected
17 bodies to changing sentiments throughout the State. In
18 all my experience in and around the Legislature -- and
19 we have members who are here -- I have never seen any
20 great criticism of people in the Legislature being
21 sensitive or insensitive to what changes may be around

1 the state. I think this is a theoretical point which
2 is really not true.

3 As a matter of fact, the trend nationwide
4 is as we all know to amend the Federal constitution so
5 that the members of the House, the lower House, shall
6 serve for a four-year term. This has been recommended
7 by the President in his last annual message.

8 To me the overriding argument here is that
9 this situation existed in Maryland at one time, it was
10 found to be nonworkable. A group of distinguished
11 people got together and the result was the Fewer Elections
12 Amendment which was hailed by the press, didn't have
13 television in those days, radio, I guess, certainly all
14 writers I read thought this was a great reform. Now
15 we are going to go back to the old system. I personally
16 would oppose it.

17 MR. MILLER: May I comment on that, Mr.
18 Chairman. One of the disadvantages of great age is
19 remembering things.

20 The change made in Fewer Elections, we used to
21 have an election every November. The change was made

1 during the Ritchie administration. Actually under the
2 recommendation of our Committee, the Fewer Elections
3 proposition is still cared for because we do have an
4 election, Federal election, every two years. The
5 same machinery is required.

6 The feeling of the Committee was that it
7 would add nothing to the expense but it would by a
8 standard term give the electorate a little more chance
9 to know who they were voting for.

10 MR. CASE: It might not add anything to the
11 expense of the election per se but certainly to get all
12 of the election machinery -- I mean political parties,
13 candidates, slates, the fund solicitations, all that --
14 it would be an added expense to the people and keep
15 the people stirred up more than I think justified.

16 MR. RUSSELL: We have already passed upon
17 this matter. At the last meeting the full Commission
18 directed my Committee to redraft Section 6 of the
19 Elective Franchise Statute to provide for elections every
20 two years. This was a mandate of this Commission. My
21 report reflects this change.

1 THE CHAIRMAN: It didn't necessarily cover
2 the question of the staggered terms of the members of
3 the Legislature with which this recommendation deals.

4 MR. RUSSELL: We still have to have a
5 statewide election every two years.

6 THE CHAIRMAN: It may be but the specific
7 question raised here --

8 DR. BARD: I want to be fair to this question.
9 The members of the Legislature who are on the Liaison
10 Committee did not favor the staggered recommendation.
11 I want to make that clear. They felt Mr. Case is
12 right in indicating members of the Legislature were not
13 generally keen on this.

14 JUDGE ADKINS: It seems to me that to get an
15 intelligent decision as to members of the Legislature,
16 you first have to have a campaign in which issues relat-
17 ing to the state at a particular time of the election
18 are fully aired and debated. Historically in Maryland,
19 and even under this system that debate must be carried
20 by the candidate for Governor, it cannot be carried
21 by individual members of the local Legislature. This

1 means that half your Legislature is going to be elected
2 at an election where the issues which are the subject
3 of debate are national and not state issues. You will
4 have no party platform presumably on which they could
5 run. You have no statement of party principle because
6 there will be no top candidate running. I can't see
7 anything but what you are going to get, they refer to
8 changes of sentiment, you may get changes of sentiment
9 in local areas but it is difficult to see how you can
10 get a change of sentiment in your Legislature when the
11 issues which are before the people aren't going to be
12 presented and debated in any consistent articulate
13 manner.

14 The second problem I have, this is one that
15 I at least would like to hear Governor Lane comment on,
16 is it seems to me in every Legislature with every new
17 Governor there is a shakedown period when each has to
18 learn to live with the other. I suspect from having
19 observed this scene fifteen or twenty years that takes
20 two years before they each learn to live with the other.
21 If you get a new Governor and half of a new Legislature

1 every two years, it seems with the Gubernatorial program
2 one or two things happened, either new Legislators are
3 going to be broken to the whip by birtue of being new or
4 else the Governor is going to have to re-orient his think-
5 ing and his relationships with the Legislature half of
6 which is completely new. Both of those seem to me negatives.

7 I am not particularly impressed with the theory
8 of this responsiveness to the electorate. It doesn't
9 seem to me that justifies the change in this manner.
10 I would have to oppose it.

11 THE CHAIRMAN: Couldn't it have exactly the
12 opposite effect? That is that the half who are not
13 running are not going to be responsive to whatever the
14 electorate may want at any given time.

15 JUDGE ADKINS: I am not sure I follow you.

16 THE CHAIRMAN: At the present time if the
17 entire House is elected at one time, presumably the
18 will of the people is being carried out. But if only
19 half of them are running, the other half is not going
20 to be too responsive.

21 JUDGE ADKINS: You could be in a position where

1 you never had the whole House responsive to the people.
2 You would always have half responsive to them four years
3 ago, half currently. You would never get a responsive
4 opinion in the House.

5 MR. CASE: Just as an addendum, as I under-
6 stand the recommendation, you would never have one half
7 of both Houses running with the Governor because there
8 are four years and not six like the Senate. So those
9 who -- if I am wrong about this, somebody should correct
10 me.

11 THE CHAIRMAN: After the initial run, every-
12 body would be elected for a term of four years, so that
13 every other half could run --

14 MR. CASE: If you only had half, the half
15 that held the seats which would be filled during the
16 off periods would be four years, they would never come
17 up with the Governor, would they?

18 THE CHAIRMAN: I see what you mean. If
19 they continued to run for re-election, that is correct.

20 MR. CASE: They would be running with the
21 Congressmen.

1 THE CHAIRMAN: A particular seat rather than
2 a particular person.

3 MR. CASE: That is right.

4 MR. HOFF: Judge Adkins, in this case you
5 assume you are going to have a completely new one half
6 Legislature, one half House, every two years. That isn't
7 true. There is only about what, Governor Lane, 30
8 per cent turnover as an average in each election?

9 GOVERNOR LANE: Yes.

10 THE CHAIRMAN: The estimate of the Legislative
11 group as I remember it was about 50 per cent. Do you
12 recall, Dr. Bard?

13 DR. BARD: Closer to 30 from all figures I
14 have.

15 MR. HOFF: Really when you consider, let's
16 say 30, say 50 per cent change, it means you are only
17 changing 25 per cent of the membership of the House in
18 any election, which doesn't seem to be a drastic change.

19 THE CHAIRMAN: Dr. Winslow?

20 DR. WINSLOW: The comment I had to make was
21 the one Congressman Miller made about fewer elections.

1 I have a long memory. We had elections in other years
2 as well as even, every year, not a matter of staggered
3 terms but a matter of yearly elections.

4 THE CHAIRMAN: Wasn't it also tied to the
5 question of length of term of a lot of state and county
6 officials that varied?

7 DR. WINSLOW: Yes.

8 MR. MELVIN: As Judge Adkins said on another
9 question, I don't think that the advocates of the
10 change meet the burden of proof on this one.

11 As a former member of the Legislature, I
12 can see some real problems that would come up if the
13 membership changed even though it may not be a complete
14 50 per cent change every two years. You have continuing
15 things that go on. Various committees are continuing.
16 But in addition, you have study groups within the
17 Legislature that go on for the period of four years,
18 sometimes longer.

19 I am not at all convinced this is a worthwhile
20 change.

21 THE CHAIRMAN: Mr. Sayre.

1 MR. SAIRE: I would like to accept the very
2 wording. I don't think the proof has been provided
3 either unlike in the unicameral versus bicameral and
4 therefore I see no reason to undo what could be the
5 executive leadership on issues as well pointed out.
6 If the will of the people is to be frustrated, I think
7 the staggered system would do it better.

8 THE CHAIRMAN: Governor Lane.

9 GOVERNOR LANE: I agree both the executive
10 and members of the Legislature are elected at the same
11 time for four years. The responsibility is reciprocal
12 on the part of all of them. I think that the Governor
13 has got to learn to live with the Legislature and the
14 Legislature has got to learn to live with the Governor.
15 It is their responsibility how well or successfully
16 they get along.

17 Everybody makes mistakes. That is illustrated
18 by any Governor vetoing what the Legislature has done.

19 MR. MARTINEAU: Mistake of the Governor?

20 GOVERNOR LANE: I was about to say that.
21 You interrupted me. There are certainly corrective

1 measures insofar as the Governor is concerned. Some
2 are theoretical. My own personal experience was that,
3 I hesitate to say this, the Legislature found out about
4 me in the first session we held together.

5 THE CHAIRMAN: Any other comment?

6 DR. BARD: I think to be fair --

7 GOVERNOR LANE: I should add I got along right
8 well with them.

9 DR. BARD: I want to read two statements
10 from those who commented on this question on the
11 Legislative Committee. First Delegate Mandel. I
12 would be opposed to staggered term for one simple reason.
13 I think if we get into the staggered term, we are going
14 to get into the same system as the Congress has and
15 that's the seniority, and I don't think it's good for
16 a State legislature. I think you can't avoid getting
17 into that kind of system with a staggered term because
18 the older members whose terms are continuing, while the
19 one-third or whatever the percentage of it is who are
20 being elected, the older members are going to get into
21 the position of seniority or get into the position of

1 power and they are going to stay there and eventually
2 you will have a seniority system.

3 Senator James indicated, obviously there is
4 a case for staggered terms, though there is at least
5 one reason for rejecting the principle or at least for
6 viewing it as something else than an outright advantage.
7 The floor is that staggered terms, like malapportionment,
8 contribute to the problem of divided party control in
9 the legislature. The electorate is unable to effect a
10 complete change in the makeup of the legislature at any
11 one time.

12 So that you defeat the voice of the people
13 by this use of the staggered term. It's impossible for
14 people in an election to clean house, get control over
15 the legislature.

16 The other thing, I think our elections are
17 held in nonpresidential years and I think it is great
18 virtue in having our state elections in nonpresidential
19 years only representing state problems. I read that
20 verbatim without editorializing.

21 THE CHAIRMAN: Any further discussion?

1 MRS. BOTHE: I want to apologize for being
2 late. I don't have any comment to make except that I
3 only know what I think when I read the Sunpapers.

4 THE CHAIRMAN: Any further discussion? The
5 question arises on the approval of the recommendation
6 on Page 3 of the Committee's report dealing with the
7 length of term of the Legislature. That the length
8 of the term shall be four years but the terms shall be
9 staggered with half elected every two years and the
10 provision for a six-year term to initiate the system.
11 Ready for the question?

12 DR. BARD: Might we vote on that in two
13 parts -- that portion dealing with the length of term
14 shall be four years -- I think this has some unity.

15 THE CHAIRMAN: The question then as divided
16 is solely on length of the term four years, nothing to
17 do with staggering. Ready for the question? Those in
18 favor signify by saying aye. Opposed no. Ayes have it.
19 So ordered.

20 Next part of the question has to do with the
21 staggered terms. Meaning that half, approximately half

1 of the House, each House, would be elected each two
2 years, in the even years, with the provision initially
3 for half to have a six-year term. Ready for the
4 question? Those in favor signify by saying aye, contrary,
5 no. Noes seem to have it but let's take a show of hands.
6 All in favor of the recommendation signify by showing
7 hands.

8 MR. SAYRE: Staggered term?

9 THE CHAIRMAN: A vote aye now means in favor
10 of staggered terms, half every two years.

11 MR. BROOKS: Six.

12 THE CHAIRMAN: Those opposed.

13 MR. BROOKS: Fifteen.

14 THE CHAIRMAN: The motion is lost, fifteen
15 opposed, six in favor. The hour of one has approached.
16 I don't know if lunch is here.

17 MR. BROOKS: No, sir.

18 THE CHAIRMAN: Let's continue on until it
19 is here so that we can get as much done as possible.

20 DR. BARD: I take it in fairness to the
21 Legislative Committee I want you to know I was against

1 that system but did not want to express my opinion
2 during the discussion.

3 IV, compensation of members of the Legislature.
4 I think we can handle this one hurriedly, not to jam
5 it down your throats. As you know, traditionally there
6 has been a statement in regard to the salary of members
7 of the Legislature. The Committee feels very strongly
8 that there should not be any constitutional provision
9 in regard to the salary of the Legislators.

10 On the other hand, we do feel that the
11 particular Legislature should not be empowered to vote
12 itself a raise in pay. Actually we feel that the
13 present salaries are extremely inadequate and should be
14 increased substantially. Accordingly, it recommends
15 that compensation of members of the first Legislature
16 after the adoption of the new constitution should be
17 fixed by the constitutional convention itself, that
18 thereafter the Legislature should be empowered to fix
19 its own compensation but that any increase or decrease
20 in annual salary allowances should not apply to the
21 Legislature which enacted the same. This in general is

1 our recommendation in regard to compensation.

2 MR. HOFF: By allowances, you mean the
3 word expenses generally?

4 DR. BARD: That is correct.

5 THE CHAIRMAN: Any discussion?

6 MR. SAYRE: I approve of everything here.
7 I would like to toss out for consideration an additional
8 sentence that would have the effect of saying there
9 shall be a mandatory review of the salaries of all
10 state elective officials at least once every ten years.

11 THE CHAIRMAN: You mean that there be such
12 provision in the constitution?

13 MR. SAYRE: I am thinking here that this
14 might compel them, I was thinking to extend it beyond
15 the elected officials to every statewide person who is
16 paid, a mandatory provision that there be a review of
17 salaries. This would have the effect of taking the
18 onus off the Legislature of supposedly raising its pay.

19 THE CHAIRMAN: Let me suggest to you I don't
20 think that would be properly a matter for this Committee.
21 It is not limited to the Legislature.

1 So that it won't get lost sight of, I am not
2 sure which committee right now would have it, perhaps
3 Mrs. Bothe's committee, if you make a memorandum, I
4 would like to hold this to consideration of compensation
5 of members of the Legislature.

6 MR. MARTINEAU: It seems to me, Mr. Chairman,
7 that if you want to have the compensation fixed by the
8 constitutional convention, you would have to have it
9 included in the constitution which they adopted and
10 then with a proviso until such time as changed by law.

11 MR. SAYRE: Couldn't that be in the schedule?

12 MR. MARTINEAU: It couldn't possibly be fixed
13 by the constitutional convention because they don't have
14 any authority to adopt any enabling legislation attached
15 to the constitution.

16 DR. BARD: We discussed that on other
17 occasions in regard to the power of the convention to
18 pass enabling acts.

19 THE CHAIRMAN: I wouldn't think you would
20 have any such power but I would suggest to you that even
21 if it had the power, it seems to me it would be most

1 inadvisable to require the convention to deal with a
2 question like this. It is completely apart from the
3 matters that they are called upon to consider. I can
4 see all sorts of delays and horse trading and difficulties
5 and everything else. Why is it necessary? Why can't
6 the Legislature fix it?

7 DR. BARD: Let me ask members of the Committee
8 to help me on this. As I remember it, Congressman Miller
9 may want to comment on this particularly, as I remember
10 it, the question was that a particular legislature
11 could not change its own salary.

12 THE CHAIRMAN: Should not.

13 DR. BARD: Should not.

14 THE CHAIRMAN: That's perfectly true.

15 DR. BARD: Turn it over to the first one,
16 they would be doing it.

17 MR. MILLER: That is right, the Committee had
18 in mind, I think, that there would be a great many
19 things that would have to fill the gap between the start-
20 ing off under the new constitution and it would be
21 legislation supplementing so that the constitution

1 wouldn't be loaded down with a lot of provisions, that
2 there would be legislation necessary to recommend that
3 would not be in the permanent body of the constitution
4 but that would be a carry-over for the period until the
5 new constitution was being worked. This would be one
6 thing the Legislature would start off for its first
7 term on X dollars.

8 THE CHAIRMAN: This is true. There are many
9 such things. One of the provisions which we are going
10 to have to draft which is the function of the Committee
11 on Style is to provide some catch-all general clause
12 in the constitution that would save legislation for an
13 interim period. You could do that here by providing
14 that the Legislature should continue to receive the same
15 salary until the next session. Why is it necessary to
16 have the convention debate and decide a question of
17 salaries.

18 MR. MILLER: I agree it is not necessary
19 for the convention to do it but I think the convention
20 has to have some means to carry over between the adoption
21 of the constitution and its effectiveness to take up the

1 legislative void. I think the only reason we wouldn't
2 have recommended that the salary remain the same is that
3 I think it was a general feeling among the members of
4 the subcommittee that present salaries are inadequate
5 and we didn't want to freeze it.

6 MR. MARTINEAU: Mr. Chairman, I think the
7 problem is that first of all the nature of the
8 Legislature is probably going to be quite different
9 so that present salary whether inadequate or not isn't
10 going to be adequate for a new Legislature.

11 Tied to that is the idea you don't want a
12 legislative body voting on its own salary. Somewhere
13 you have to adopt a salary for the next Legislature.
14 It seems to me the constitutional convention is really
15 the only body that can do that. The only thing I am
16 objecting to here is you say they should do this by
17 legislation or something. I think if they are going to
18 do it and you don't want it as a permanent part of the
19 constitution, you would either adopt it as a schedule
20 as part of the constitution or as a clause of the constitu-
21 tion which would automatically drop out after four years.

1 DR. BARD: We would certainly accept that
2 amendment. Am I not speaking correctly for the
3 Committee? That's exactly what we had in mind.

4 MRS. FREEDLANDER: I don't see the reason
5 for one and two. Two seems to be a specific elaboration
6 of one and more appropriate for us to act on because
7 we talk to salaries, we talk to the salary of the first
8 Legislature. We talk to prescribing this by law. What
9 is the point of number one when number two says what
10 we want it to say it seems to me.

11 DR. BARD: That is correct, Mrs. Freedlander,
12 except to take care of this single occurrence.

13 MRS. FREEDLANDER: You state that in number
14 two except other than members of the first Legislature
15 elected after adoption, you say all the things you say
16 in one except you say it more specifically and, I think,
17 more appropriately in number two.

18 DR. BARD: We could embody it in one statement.

19 MRS. FREEDLANDER: You say prescribing by
20 law?

21 MR. MARTINEAU: If it is prescribed by law,

1 it is prescribed by the Legislature and the first
2 Legislature would be prescribing its own salary.

3 THE CHAIRMAN: It seems the two questions
4 are severable and could be taken up separately. Any
5 further discussion? If not, I suggest we take up
6 Question 2 first because that is the most fundamental.

7 DR. BARD:: Yes, that is the one pulling it
8 out of the constitution.

9 THE CHAIRMAN: So the question is on the
10 approval of the recommendation that the annual salary
11 and allowances of the members of the Legislature be
12 such as might be prescribed by law but any increase or
13 decrease in the amount should not apply to the Legislature
14 which enacted the same. Ready for the question? All
15 those in favor signify by saying aye. Contrary, no.
16 The ayes have it. The second question is that the
17 compensation of the members of the first Legislature
18 elected after adoption of the new constitution should be
19 fixed by the constitutional convention and the amounts
20 be stated either in the constitution itself or in some
21 schedule attached to the constitution. Ready for the

1 question?

2 MRS. BOTHE: I have a question about the
3 whole general matter of what need go into the first
4 constitution and become a dead issue. For instance, our
5 Committee discussed various provisions where there would
6 be a board we would like to have staggered. Of course,
7 the first board could/^{not}be staggered where you start
8 afresh but it would seem undesirable to have in each
9 case where you can't start in the first instance with a
10 new constitution to have to clutter up the constitution
11 with this interim question of how you do at the start.
12 I wondered whether the researchers or if this was any
13 general theory about how that can be accomplished without
14 all these provisions in the constitution, what the
15 constitutional convention itself might do, what enabling
16 legislation might do, how to handle these numerous
17 situations.

18 THE CHAIRMAN: Except for in the case of
19 staggered terms the provision in the constitution for
20 instance that the Legislature shall prescribe a method
21 by which terms shall be staggered, you have to spell it

1 out, I think, unless Professor Burdette's Committee can
2 come up with some comprehensive clause that would
3 apply to all such situations and boards. I would doubt
4 that.

5 MR. BROOKS: We recommended that to every
6 Committee that anything specific of that kind that only
7 applies once be put in a schedule that would accompany
8 the constitution and would only apply to enactment of
9 the constitution.

10 THE CHAIRMAN: Ready for the first question?
11 I want to ask this because I am not sure I understood
12 your last comment, Dr. Bard. You did not mean, did you,
13 that the only way that the situation covered by one
14 could be covered would be by the constitutional conven-
15 tion? There would be nothing --

16 DR. BARD: Mr. Chairman, in this constitution
17 of Kentucky, they had a schedule in the back. This
18 would be one way of handling it.

19 THE CHAIRMAN: I know but if you wanted to
20 avoid having the convention fix the compensation it could
21 be left to the first Legislature even though they may

1 be fixing their own.

2 DR. BARD: We think it could. We weren't
3 very happy about it.

4 THE CHAIRMAN: I understand. I didn't want
5 to leave the impression there was no alternative to this.

6 DR. BARD: This is the alternative on this
7 occasion. We preferred the concept of the schedule which
8 ties in with the point just made a while ago for other
9 issues.

10 THE CHAIRMAN: I must say I am personally
11 very disturbed at the idea of a constitutional convention
12 getting into the specifics of compensation.

13 DR. BARD: They have done it in the past,
14 all other conventions have done it. Particularly if
15 it can be dropped out of the constitution immediately
16 after.

17 THE CHAIRMAN: That is the reason it disturbs
18 me because in previous constitutional conventions it
19 has always led to such a hassle against those who think
20 the salaries ought to be kept low and those who don't.
21 I don't want to debate that personally now. Ready for

1 the question?

2 MR. SAYRE: On this we are voting whether
3 we are for having it in the convention, is that right?

4 THE CHAIRMAN: Have the convention fix
5 the salary for the first Legislature.

6 DR. BARD: And do it by schedule.

7 MR. SAYRE: To be included in the schedule?

8 DR. BARD: In the schedule rather than in
9 the constitution itself.

10 MR. CLAGETT: It still involves fixing the
11 salary.

12 MR. HOFF: You could provide the first
13 Legislature shall be paid at the rate of a previous
14 Legislature.

15 DR. BARD: That could be said.

16 MR. HOFF: That could be in the schedule.

17 MR. SAYRE: In the schedule if we had a
18 statement we have a directive to the Legislature to
19 fix a salary at not less than a certain figure.

20 THE CHAIRMAN: That is not the intent of
21 the schedule. The schedule is part of the constitution,

1 a drop out part, that after a certain date it
2 disappears. It is self-executing.

3 MR. SAYRE: If we did it the way I say it,
4 you are still having enabling legislation that could
5 be drafted to implement the schedule but not setting
6 anything but a minimum. Is that not possible?

7 MR. MARTINEAU: You could set it within a
8 variation. You could say not more than or shall not
9 be less than.

10 MR. SAYRE: To lead off with. Wouldn't that
11 take some of the onus off the Legislature in enacting
12 its own? That's what I am trying to see if we can
13 do.

14 DR. BARD: There are many possibilities.
15 Here the Committee did not want to delineate the one
16 possibility. Wanted to leave it broad enough so that
17 this schedule could make it clear as to whether the
18 Legislature were to do it or just how they were to do
19 it. The alternative would be for the Legislature itself
20 to actually do it. We felt that that would not be
21 particularly good.

1 MR. CLAGETT: Could we not simply provide
2 in the schedule that the salary of the Legislators shall
3 continue until the Legislature acts?

4 Then we could get out of this business of
5 the hassle back and forth of rate fixing or salary fixing
6 that we want to avoid.

7 DR. BARD: That is a good compromise.

8 MR. MILLER: Wouldn't we have to change the
9 constitution? They would be raising or changing their
10 salaries during the terms for which they were elected.
11 That was the provision we were trying to keep in.

12 MR. MELVIN: Could make an exception for
13 the first Legislature.

14 THE CHAIRMAN: In order to get somewhere and
15 not waste too much time because the cold lunch is
16 getting colder, let me suggest that the question as
17 now presented is that the convention shall prescribe
18 the salaries so that a vote aye in favor of this
19 recommendation would mean a vote in favor of the consti-
20 tutional convention itself prescribing the salary for
21 the first session of the Legislature following the

1 constitutional convention.

2 MR. SAYRE: That does not allow for what
3 I said.

4 THE CHAIRMAN: It does not.

5 DR. BARD: We would think it would.

6 THE CHAIRMAN: I am stating it this way to
7 split the question specifically and get the sense.
8 In other words, as I am presenting the question to you
9 now it would mean that the dollars of salary would be
10 prescribed by the convention for the first session of
11 the Legislature. I will then submit to you again the
12 question of whether a device such as Senator Hoff
13 suggested that the constitution provide the same
14 salaries should continue or something else. Ready for
15 the first question? This is the convention to fix the
16 dollars of salary. All votes in favor signify by saying
17 aye. Opposed, no. The noes have it.

18 Now, the next I would suggest to you is
19 that the convention prescribe in the constitution that
20 the salaries of the members of the first Legislature --
21 for the first term I take it you are talking about?

1 DR. BARD: Yes.

2 THE CHAIRMAN: -- be the same as existing
3 immediately prior to the beginning of that term.

4 DR. BARD: By constitution, you mean schedule?

5 THE CHAIRMAN: No.

6 MR. SAYRE: As is.

7 DR. BURDETTE: Why do you have to prescribe
8 that if the Legislature can raise salaries for the
9 next Legislature? It goes without saying.

10 THE CHAIRMAN: Let me ask this first. When
11 the Committee says the Legislature may prescribe an
12 increase in salaries, do they mean only beyond the
13 elected term of the members of the Legislature.

14 DR. BARD: That is correct.

15 THE CHAIRMAN: So that you would be talking
16 about a constitutional provision adopted in 1967 that
17 would continue for perhaps, adopted by the people in
18 '68, continue for two more years.

19 MR. SAYRE: More than that.

20 THE CHAIRMAN: Assuming the Legislature --

21 DR. BARD: Two more, that is correct.

1 THE CHAIRMAN: You would have a new Legislature
2 elected beginning in 1970.

3 DR. BARD: Two years is right.

4 THE CHAIRMAN: The second question I am
5 putting to you now is a provision in the constitution
6 that until there is a new Legislature elected the
7 compensation of whose members could be fixed at anything
8 by the Legislature, the compensation of the members of
9 the Legislature would be the same as existing at the
10 time of the constitution being adopted.

11 DR. BARD: Right.

12 MRS. BOTHE: In the schedule or the body?

13 THE CHAIRMAN: Makes no difference.

14 MR. MILLER: Wouldn't that be four years.

15 THE CHAIRMAN: You would be halfway. At the
16 time the constitution was adopted you would be halfway
17 in the term of the members. You would have a new
18 Legislature two years thereafter.

19 MR. MARTINEAU: It would seem to me that would
20 be an extremely bad provision for I would anticipate
21 the first two years after the constitution is adopted

1 that Legislature will have to be in session virtually
2 full time. They will have the largest job ever put upon
3 any Legislature to accommodate the laws of the state
4 to the new constitution.

5 I think they will actually be in effect
6 sitting continuously for two years. I think the idea
7 of paying them \$2400 a year for a full year's work is
8 most adequate. I don't think we ought to adopt it.

9 THE CHAIRMAN: Before voting on this, I
10 should in fairness say the third question I propose to
11 put was whether or not the constitution should
12 contain a provision fixing a maximum salary or upper
13 limit for the salary that could be prescribed for the
14 first two years or continue the existing salaries.

15 MR. SAYRE: Could be a minimum too.

16 THE CHAIRMAN: Could be. Are you ready for
17 this question? This is merely that the constitution
18 shall fix the salaries of the first Legislature, for
19 the two-year period, at whatever it is at the time the
20 condtitution is adopted. Those in favor signify by saying
21 aye. Contrary, no. Noes seem to have it but let's have

1 a show of hands. Aye? No? That's lost.

2 The third recommendation is that the constitu-
3 tion contain a provision fixing an upper limit to which
4 the members of the first Legislature could increase
5 their own compensation if desired. Also a lower
6 limit. And, if desired, they could provide, the
7 Legislature could provide, that the same salaries would
8 continue. Ready for the question? Those in favor signify
9 by saying aye. Contrary, no.

10 MR. CLAGETT: I want to be consistent.

11 THE CHAIRMAN: The ayes seem to have it. The
12 ayes have it.

13 Let's adjourn for lunch. We are running
14 behind schedule.

15 (Luncheon Recess.)

16

17

18

19

20

21

1 THE CHAIRMAN: Let's come to order and move
2 ahead, please.

3 We have lost some of our members temporarily
4 to various other engagements and some will be back.
5 Some have to leave at various other times this afternoon,
6 so I would like to move along as briskly as possible.

7 DR. BARD: Length of legislative session.
8 I would like to say we have had more deliberations on
9 this particular item than almost any other one with
10 one exception, the unicameralism versus bicameralism.
11 So that, Mr. Chairman, while I would like to move ahead
12 rapidly here, I do want to say this has created a good
13 deal of discussion among Committee members.

14 As you know, the present constitution sets a
15 target date of 70 days. At other times we have had 90-
16 day sessions in odd years and 30-day sessions in even
17 years. There has been a good deal of revision on this
18 item from time to time. The model state constitution
19 indicates a recommendation that the legislature be a
20 continuous body during the term for which its members
21 are elected. It shall meet in regular sessions annually

1 as provided by law. This in essence is the recommenda-
2 tion which we are making. I could give you some back-
3 ground in respect to the reason for this recommendation,
4 Mr. Chairman, if you would like for us to do this.

5 THE CHAIRMAN: Very well.

6 DR. BARD: Not only are we making this
7 recommendation because the model made it and because
8 other study bodies such as the 29th American Assembly
9 at Oregon House which was a very important body that
10 studied state legislatures and American politics at
11 this time but because we really believe it would be
12 better not to set a target date that would hold true
13 for every last legislative term.

14 By way of illustration, in our deliberations
15 and discussions with members of the Committee of the
16 Legislature which we referred to on numerous occasions
17 the question was asked as to whether the Cooper-Hughes
18 Bill might have gone through had there been a few more
19 days. They said yes, it might have gone through had
20 there been a few more days. They recognized that.

21 There was full recognition of the fact that

1 when you set a specific target date that is not movable,
2 you create problems. There are a goodly number of
3 states that have operated under this general frame of
4 reference, a continuous body.

5 You will note the length of the legislative
6 session would be fixed by the Legislature itself. The
7 Legislature itself could determine how long it should
8 sit in order to handle properly its increasing volume
9 of business. For example, if the Legislature wanted to
10 set by law a statement such as this one, which holds
11 true for Kentucky, that is now under a continuing body,
12 it shall meet annually in regular session for no longer
13 than 60 regular legislative days exclusive^{of} Saturday,
14 Sunday, and legal holidays; however, with concurrence
15 of two-thirds of members elected to each House fixing a
16 term in the same calendar year the General Assembly
17 may meet for an extended period. The law could be
18 written to provide flexibility permitting each term to
19 adjust the target date to the requirements rather than
20 to set a target date that would be true at all times.

21 I might add here that members of the Committee

1 of the Legislature, one, they recognized that there was
2 this flexibility, they thought this was a good recommenda-
3 tion. At one time when they first saw the recommendation
4 they were concerned about the fact that they might not
5 be able to adjust their own working schedule to any
6 term that did not have a target date. But once they
7 realized this did not necessarily mean that they would
8 keep on meeting throughout the entire year, they realized
9 that it could work within this frame of reference.

10 MR. MILES: I used to know the answer to the
11 question but forgot it. How many states have a
12 constitutional limit on the Legislature?

13 DR. BARD: Mr. Brooks might be able to
14 answer that.

15 MR. BROOKS: I can't say offhand.

16 DR. BARD: We can answer it the other way.
17 We know Nebraska doesn't have a target date, New York
18 doesn't, Massachusetts doesn't. A goodly number of
19 states move within this frame of reference. More of
20 them seem to be moving as the model has made the
21 recommendation.

1 THE CHAIRMAN: I understand that this
2 provision would also enable the Legislature to fix the
3 date of its convening each year.

4 DR. BARD: If it so desires. If written into
5 the statute, it would have that authority.

6 THE CHAIRMAN: The constitution does not
7 fix it.

8 DR. BARD: The constitution would not fix it.
9 It would merely say what we are saying here.

10 THE CHAIRMAN: Do you move the recommendation?

11 DR. JENKINS: Dr. Bard, I seem to recall our
12 discussion of the desirability if this is adopted of
13 having a provision in another section of the constitution
14 requiring the budget to be passed at a certain time.

15 DR. BARD: That is correct.

16 DR. JENKINS: So we would not get into the
17 situation the Federal Congress finds itself that
18 Congressmen may pass appropriations long after the
19 beginning of a fiscal year.

20 DR. BARD: Mr. Case is not here. I think he
21 would want to make note of this for his Committee's

1 deliberations.

2 DR. BURDETTE: A question for information.
3 Are you contemplating this would be set by statute
4 subject to amendment if the Legislature wants to change
5 it or are you contemplating the target would be
6 set year by year as a matter of rule or have you con-
7 sidered this at all?

8 DR. BARD: Mr. Martineau?

9 MR. MARTINEAU: The recommendation reads
10 as provided by law.

11 THE CHAIRMAN: Which would mean it could be
12 either way.

13 DR. BARD: Either way.

14 DR. BURDETTE: Either way.

15 THE CHAIRMAN: Whatever the legislature did.

16 DR. BARD: Once done one way, it could be
17 amended by the Legislature without changing the
18 constitution.

19 THE CHAIRMAN: Further discussion?

20 DR. BURDETTE: I am not sure of your plans.
21 It couldn't be amended in a particular session?

1 DR. BARD: Why not?

2 THE CHAIRMAN: Depends on when the law took
3 effect?

4 DR. BURDETTE: Unless doing it as an
5 emergency measure under the present constitution. It
6 would depend on the time of year. I am wondering how
7 much flexibility a session would have. If we are
8 going to have a longer session, does the legislature
9 have that?

10 THE CHAIRMAN: Assuming the law at any given
11 time prescribed a cutoff date would they be able to
12 change it?

13 DR. BURDETTE: Yes.

14 THE CHAIRMAN: The answer would be only if
15 they could act by an emergency bill and the Governor
16 would approve it.

17 DR. BURDETTE: If we preserve the emergency
18 bill idea.

19 MR. CLAGETT: As of January 1 let's assume the
20 Legislature meets. Could it stay in session for five
21 days and then take a month's recess and come back?

1 THE CHAIRMAN: Mr. Clagett, you have to ask
2 the question first: What has the Legislature provided
3 by law?

4 MR. CLAGETT: The Legislature then more or
5 less, accepting that as the question, jumping to the
6 answer, the Legislature could do as it sees fit provided
7 it did not exceed a total number of 70 days.

8 THE CHAIRMAN: No limit here?

9 DR. BARD: No limit. Unless they chose to
10 draw as a limit and set different possibilities of
11 extending it. That would be within their sphere of
12 possibility.

13 JUDGE ADKINS: What does the term provided
14 by law mean in this context?

15 THE CHAIRMAN: As we are using this phrase
16 generally in the whole constitution we mean as provided
17 by a statute adopted by the Legislature.

18 JUDGE ADKINS: It would have to concur in
19 the length of the session of the legislative period
20 adopted by the Legislature.

21 THE CHAIRMAN: At some point of the regulation

1 is made by law it means by a statute approved by the
2 Governor or passed over his veto.

3 JUDGE ADKINS: You don't approve the
4 Legislature should be designated some regular period
5 regardless of whether the Chief Executive wants it
6 to meet that period or not, the Chief Executive should
7 have no control over when the Legislature should meet
8 except his extraordinary right to call an extra session.

9 THE CHAIRMAN: You would follow a provision
10 letting each legislature determine at the time how long
11 it is to sit and when it reconvenes.

12 JUDGE ADKINS: Rather than spelling it out
13 in the constitution -- I am not sure I go that far --
14 did you do that? Should you take that step?

15 THE CHAIRMAN: That is not the recommendation
16 here. The recommendation here is that the Legislature
17 provide by law everything in the constitution now as
18 to the time of sessions.

19 DR. BARD: Mr. Chairman, I might add that our
20 Committee did deliberate on this particular point and
21 Judge Adkins will be interested in this. In the model

1 there is a follow-up to our recommendation with this
2 statement "It may be convened at other times by the
3 Governor or at the written request of a majority of the
4 members by the presiding officer of the Legislature."
5 This is a recommendation which the model makes that
6 it be written into the constitution itself.

7 I would say were we to favor placing this
8 statement in the constitution, we could then add a
9 back-up statement such as this one or not add it. Two
10 different points here.

11 THE CHAIRMAN: Let me understand. I had assumed
12 from this recommendation that you were contemplating
13 that the Legislature would have the full power to
14 prescribe all details as to the sessions subject to all
15 the limitations that it either be approved by the
16 Governor or passed over his veto, that it be subject to
17 referendum, everything else.

18 DR. BARD: That is correct.

19 DR. BURDETTE: I would support that view in
20 part. I would like to avoid a situation whereby a
21 legislature, let's say, hostile to the Governor politically

1 would vow to stay around all summer just to harass
2 him. I don't know where we come out.

3 I have a lot of reservations, don't know
4 where we are getting in this business. I was going
5 to ask the question: Would anyone here associated
6 with business interests touch upon the question so much
7 mentioned in the literature that business heaves some-
8 what of a sigh of relief when the Legislature gets out
9 of session? Is that true any more or just 19th Century?

10 THE CHAIRMAN: Are you asking Mr. Smith to
11 comment?

12 MR. SMITH: It depends on what you have got
13 in the Legislature.

14 MRS. FRIEDLANDER: In these salient issues
15 of constitutional revision, it states that one-third of
16 the states have direct constitutional limits of 60, 90
17 or 120 days and that a half dozen more have provisions
18 which stop the pay of legislators after a certain time.

19 DR. BURDETTE: That is just as good. That
20 will do the job.

21 JUDGE ADKINS: Has any consideration been

1 given to providing in the constitution that the Legisla-
2 ture shall meet during certain regular, definitely
3 defined sessions whether 70 or 80 days and in such other
4 sessions as shall be from time to time provided by
5 law so that there is at least constitutional authority
6 for requiring the Legislature to meet at least once
7 every two years without the necessity of having
8 Gubernatorial consent for those legislative periods?

9 MR. MARTINEAU: I believe you are thinking
10 each time they went into session the Governor would
11 have to approve it.

12 JUDGE ADKINS: No, he would have to approve
13 it the first time. I don't think this is a function,
14 under division of powers this is not a part of the
15 executive function, it should be spelled out in the
16 constitution when they shall meet.

17 MR. MARTINEAU: If you made it by resolution,
18 you wouldn't have the problem of the approval of the
19 Governor.

20 DR. BARD: Rather than by law.

21 DR. BURDETTE: Then they would do it whenever

1 they didn't like the Governor and thought they could do
2 him some damage.

3 MR. MILES: What were the reactions of the
4 members of the Legislature you consulted with
5 respect to this change?

6 DR. BARD: They seemed to like it. They
7 said this gave them a power they had as long as they
8 had the power to cut it off which they would have under
9 any statutes they had passed.

10 THE CHAIRMAN: If I remember correctly, what
11 they like is the idea you have some control and some
12 flexibility without having to go to a constitutional
13 amendment to make a change.

14 DR. BARD: Right.

15 MR. CLAGETT: As this reads now the Legisla-
16 ture by law could provide that it shall not meet until
17 ten years from that date.

18 MRS. FREEDLANDER: It says annually here.

19 DR. BARD: Annually.

20 MR. CLAGETT: It actually would have to
21 meet annually by mandate of the constitution.

1 DR. BARD: Yes.

2 MR. CLAGETT: It says here annually.

3 THE CHAIRMAN: We are not debating the
4 language in the amendment. This is the substance of
5 the proposal. I think that is what is intended at
6 least once a year. That might be one day or ten days
7 or three hundred days.

8 MRS. BOTHE: In the event Cooper-Hughes was
9 up under this type of general provision without any
10 limitation and the Legislature on the last day of what
11 had been the legislative session wanted to extend its
12 session under this proposal would they have to pass a
13 new statute, get the Governor to sign it or veto it?

14 DR. BARD: No.

15 THE CHAIRMAN: It would depend on what the
16 law theretofore provided. If the law passed by the
17 Legislature contained such provision it would require it.
18 If the law theretofore passed said they could extend
19 the session by simple resolution that would be it. This
20 proposal is a very simple one which would delegate to the
21 Legislature to provide by statute by law the whole business.

1 MRS. BOTHE: Except at least once annually.

2 THE CHAIRMAN: Once annually but everything
3 else.

4 MR. MILES: I would like to express a
5 personal hope that the Commission will advocate some
6 constitutional maximum number of days that the Legisla-
7 ture could meet in a given session.

8 MR. SAYRE: There is no provision, do I under-
9 stand, about the Governor having the authority under
10 the constitution to call a legislative session?

11 THE CHAIRMAN: No constitutional provision.
12 The statute could provide it.

13 MR. SAYRE: I question the wisdom of leaving
14 it out.

15 DR. BARD: Our Committee discussed that and
16 this was why I said earlier it would be possible for us
17 to have a back-up statement along the lines you
18 mentioned, once we clarified our position in respect to
19 this particular statement. Or if you felt it would
20 strengthen this statement by adding what the model
21 does it may be convened at other times by the Governor.

1 MR. SAYRE: Exactly, that very language I
2 would like to see in.

3 DR. BARD: I would accept that amendment and
4 I think our Committee members would because we discussed
5 it. Am I right about that?

6 MR. MILLER: I think you are, sir. There is
7 one point that just occurred to me. Particularly if
8 we have -- the Committee's recommendation on staggered
9 terms has been voted down -- it seems to me we ought to
10 have some constitutional date in which a new Legislature
11 would be compelled to meet. You can almost imagine a
12 situation where if everybody was defeated in a landslide
13 in November they would have a meeting in December and
14 provide by law that the next Legislature shouldn't meet
15 until the following November or something. I think it
16 would be desirable to have something on the constitution
17 that started off its new session because theoretically
18 you might not have a single member holding over after
19 four years.

20 I believe our Committee wants the Legislature
21 once in the saddle to be able to run its own program.

1 MR. SAYRE: I think I would favor a provision
2 that would stipulate that they will be meeting once a
3 year and one would be to convene each year on the first
4 Wednesday after the first Tuesday in January.

5 MR. MILES: Without limitation on the number
6 of days.

7 MR. SAYRE: That is right.

8 THE CHAIRMAN: I sense there are at least
9 three or four different propositions that are floating
10 around in this discussion. I wonder if it wouldn't
11 be better to take each one up separately to see if we
12 can get a consensus. First take the recommendation as
13 written now which means that the entire matter of when
14 the Legislature should meet and how long it should sit
15 and how it should be called is left entirely to be
16 provided by law. That is, by statute subject to Gubernatorial approval or action over his veto and subject to
17 referendum, in every respect except there should be
18 at least one annual session. The first question is on
19 that issue as proposed by the report.
20

21 MR. MILLER: I would vote for that but I would

1 be happier if it were amended that it had to meet in
2 the month of January.

3 THE CHAIRMAN: I am going to suggest that
4 as alternatives. The first is the bare proposition.
5 All those in favor of that as I have stated it signify
6 by saying aye.

7 MR. RUSSELL: Could we have the alternative?

8 MR. CLAGETT: I think you have excluded us.

9 THE CHAIRMAN: I don't mean to do that.

10 MR. CLAGETT: You had better leave this
11 until last and we can wipe the board clean.

12 THE CHAIRMAN: I was going to suggest we
13 have this alone and this with what Dr. Bard suggested
14 from the model act, that we have that plus the provision
15 that the Legislature must meet, self-executing provision,
16 at a specified time each year, with additional provisions
17 to how long it should sit.

18 Also the provision that I gather is what is
19 in Judge Adkins' mind, that the Legislature can act
20 completely independently of the Governor, call itself
21 into session whenever it wants and for whatever length

1 of time. They were the propositions, I think, have been
2 kicked around.

3 MR. MILLER: To take it quicker or slower
4 might I offer an amendment to this as it is to be
5 voted on providing that they meet, that the constitution
6 would provide for a meeting of the general assembly
7 during the month of January of each calendar year.

8 MR. SAYRE: Instead of annually?

9 THE CHAIRMAN: Let's make the first proposi-
10 tion then that the Legislature should be a continuous
11 body meeting in regular sessions on what day.

12 MR. MILLER: As provided by law but that the
13 constitution provide that it must meet at least once in
14 January of each year.

15 DR. BARD: That it convene, do you mean?

16 MR. MILLER: Yes, initial session.

17 MR. SAYRE: For continuous session?

18 THE CHAIRMAN: Meet annually in January each
19 year that the length of its sessions and times when it
20 shall otherwise convene be as fixed by law. That's what
21 you are saying?

1 MR. MILLER: Yes.

2 DR. BARD: I accept that amendment and would
3 like to add a further amendment, if I might, that it
4 may be convened at other times by the Governor. That
5 the statement now read --

6 THE CHAIRMAN: Without trying to state it
7 the substance as I understand it is that the Legislature
8 must meet at least once annually in January each year,
9 that it meets at such other times and for such length of
10 session as the Legislature by law prescribes, and that
11 the Governor can call it into special session whenever
12 he deems it proper.

13 MR. GENTRY: I think the way you have said
14 it could be construed to mean shall meet and convene for
15 the month of January rather than I think you mean --

16 THE CHAIRMAN: I am not trying to get the language
17 Shall convene on a date to be prescribed.

18 MR. MILES: I would be interested in hearing
19 an expression of views of Mr. Melvin and Senator Hoff
20 and some of the gentlemen with legislative experience.
21 One thing in my mind expressing some doubt about the

1 wisdom of not putting some maximum limit, I think it
2 affects a good deal the caliber of people you get. The
3 man thinking he will go to the Legislature to serve
4 three or four months or whatever the period that is
5 one thing, but if he thinks he is going to go there and
6 might have to stay there ten or eleven months, that is
7 quite another.

8 MR. HOFF: That is one of my principal
9 concerns. Bill Dulaney, a very fine lawyer now in the
10 Legislature, said he can't afford to devote the amount
11 of time required. If you keep out people and professional
12 people, you are going to keep out so many people. If
13 they are faced with the possibility of running for
14 office and will have no idea how much time they are
15 going to have to spend away from home. I think it would
16 be a healthy thing to have some limitation, whatever it
17 may be, so there would be a maximum period people could
18 anticipate.

19 THE CHAIRMAN: One of the suggestions made
20 at the meeting of the Legislative Committee was that
21 perhaps you could by providing more adequate staff and

1 upgrading the dignity of the position and so forth in
2 effect make the position of Legislator a full-time
3 position just as that of Congressmen. Would you
4 comment on whether you think that is feasible?

5 MR. HOFF: You would have to do a lot of
6 upgrading, particularly in the salary to convince
7 people to give up their insurance business or their law
8 business or whatever other kind of business they are in
9 to devote full time to the Legislature. I am afraid
10 you are not able to go that far for practical reasons.

11 MR. CLAGETT: Could you add after the word
12 law to be convened in January and not to exceed 90
13 days?

14 THE CHAIRMAN: That's one of the alternatives.

15 MR. MILLER: Why can't we vote on my amendment?

16 THE CHAIRMAN: We will.

17 MR. MILLER: And then pass on to the limita-
18 tion later.

19 THE CHAIRMAN: We will do that.

20 DR. BARD: I would remind Senator Hoff that
21 we have actually changed the target date on any number

1 of occasions in recent years. There was a time it was
2 30, 90, 70, and those individuals who have been
3 concerned about just how long they were going to hold
4 office were not very much disturbed. It seems to
5 Committee members that if the statute were so written
6 with all this in mind and we have faith in the body,
7 keeping all this in mind, then they would take this into
8 consideration and not set up a tight date. I think the
9 moment we get into a tight target date, we will destroy
10 the very virtue of continuous session. I don't think
11 you are going to go on and meet every day and meet
12 throughout the entire year. We know that this will not
13 take place by the mere nature of the statute. The statute
14 will have a possible opening in case of situations such
15 as the Cooper-Hughes Bill. At present we don't have it,
16 I think if you set up 90 days, there is no point in
17 ^{it} calling/a continuing body.

18 MR. MILES: I am lost to know what this has
19 to do with the Cooper-Hughes Bill. Whether the
20 session had been 20 days longer or 30 days longer, I
21 think the unfortunate thing there was it didn't start

1 soon enough.

2 DR. BARD: If you start later, you could
3 end later. This is the very concept behind it. There
4 is some flexibility. You can stretch it one way or
5 another but with a closing date there is no place to
6 stretch if you start late.

7 DR. BURDETTE: The concept Dr. Bard talks
8 about I have so many reservations about. While we are
9 not going to allow the legislature to change its salary
10 except for the next Legislature, I should think that if
11 it seems to be a good solid year for the party, why not
12 make the job a \$20,000 a year job and we will all come
13 back and spend a full year at it.

14 Then I think Senator Hoff's point that the
15 people who are willing to make their living that way
16 rather than ordinary professions will go in the
17 Legislature. Dr. Bard has the impression that this
18 wouldn't happen. Maybe it wouldn't but I would like to
19 be pretty sure it wouldn't happen or even happen
20 partially. So that you get \$10,000 a year because you
21 meet six months of the year. It makes it look good.

1 I am afraid much of the work would still be done in
2 15 or 30 days.

3 THE CHAIRMAN: Any further discussion?

4 JUDGE ADKINS: It seems to me there is
5 one premise inherent in this discussion that may be the
6 sense of the Committee -- certainly not mine. That is
7 that we need a Legislature in continuous session.
8 Comments of Dr. Bard and some of the other members of
9 the Committee are to try to write a plank which involves
10 continuous session.

11 I at least would like to have an opportunity
12 to vote on this question. I think we by-passed rather
13 cursorily Mr. Mercer Smith's comment that there are a
14 good many segments of the community which are very happy
15 when the Legislature adjourns. I don't think that pro-
16 longed legislatures necessarily mean better legislation.
17 I would like to see a vote on the preliminary question.

18 MR. CLAGETT: Does it say continuous
19 sessions? It says continuous body in regular sessions.
20 Does that mean the same as continuous sessions?

21 THE CHAIRMAN: Under this proposal it would

1 certainly be permitted. I think Judge Adkins will
2 have the opportunity to vote on that question as we put
3 up the question now under discussion because the only
4 thing added to it is the provision that it can be
5 called into special session by the Governor and that it
6 meet at a stipulated date in January, convene at a
7 stipulated date in January.

8 DR. BARD: I don't want to prolong this
9 but I have to go back to Judge Adkins' point. If it is
10 true that some individuals would prefer that there not
11 be lengthy sessions this very concept permits a very
12 short session. I think the moment you set forth a target
13 date, then quite often a legislative body will extend
14 the requirements. Whether they need the 70 or 90 days
15 or not, they feel here it is, we will make use of it.
16 This is merely saying you use only that portion you
17 need. Some years it will be short, some years it will
18 be very long. It does not say it need be long. It
19 merely says that you determine the cloth according to
20 what your need is in this particular year.

21 THE CHAIRMAN: Ready for the question? The

1 question is on the adoption of the recommendation that
2 the Legislature is a continuous body meets at least
3 once annually, convening on a day in January to be
4 stated in the constitution, that it may be convened in
5 special session by proclamation of the Governor. Other-
6 wise, all details being prescribed by law. Ready for
7 the question?

8 DR. BARD: One more elaboration. Is it
9 clear that the State Legislature can actually indicate
10 at each session if the statute is so drawn that would
11 be true?

12 THE CHAIRMAN: The statute to provide all
13 details other than I gave.

14 DR. BARD: That they could meet 70 days or
15 80. Is that clear that the statute could actually set
16 a target date if desired?

17 THE CHAIRMAN: It could provide 365-day
18 sessions or 5-day sessions.

19 DR. BARD: And do it each term differently.

20 THE CHAIRMAN: Ready for the question? All
21 those in favor signify by saying aye. Contrary, no.

1 The ayes seem to have it but let's have a show of hands.
2 Those in favor signify by raising hands. Opposed. Twelve
3 to six. The ayes have it.

4 This would seem to make it unnecessary to put
5 up the other questions but if any member desires to take
6 the vote of the Commission on the subordinate questions,
7 I would be glad to put them. Not subordinate questions
8 but the alternates. All right. If not, we will move
9 to the next.

10 But before doing that, I would like to
11 interrupt the consideration of this report and take
12 this opportunity which gives me real pleasure to present
13 to the Commission Judge John B. Gray, Jr. As I
14 indicated this morning, he has been named by the Governor
15 as Chairman of the Citizens Committee for the
16 Constitutional Referendum. Serving with him is Dr.
17 Winslow as Vice-Chairman. Judge Gray is just on his way
18 back home from New York and agreed to stop in today to
19 meet the Commission and say hello. I would like to
20 present him at this time. Judge Gray.

21 JUDGE GRAY: Mr. Chairman, ladies and

1 gentlemen, inasmuch as it will apparently be part of my
2 job to sell your product, at least sell to the people
3 of the State the necessity or desirability of establish-
4 ing by referendum a constitutional convention to deal
5 with your product, it is a pleasure for me to meet with
6 you and see how you work. At least I can say to the
7 people of the state, as I have not attempted to meet
8 with them, the kind of study you have given this proposal.

9 I really am an amateur at this business of
10 selling to the people of the state policies of this
11 sort. It was only a few days ago that I was invited
12 to chair this citizens group. I am happy to do it
13 because, as you all know, and I know, of course, our
14 constitution is quite antiquated in many respects and
15 certainly contains a great deal of statutory matter
16 really that ought to be in statutes rather than the
17 basic law of the land. From a lawyer's standpoint, I
18 think it is a pretty sorry instrument. I am sure your
19 production will be very much better and that we ought
20 to have no difficulty in convincing the voters of the
21 state that this does constitute a first class opportunity

1 to better the basic law under which we all operate.
2 Thank you very much.

3 (Applause.)

4 THE CHAIRMAN: If the Commission will excuse
5 him, Judge Gray and Dr. Winslow have to absent them-
6 selves for five or ten minutes with John Brooks because
7 they have some urgent mail to get out. I hope Judge
8 Gray will be able to stay a while.

9 I want to move ahead with consideration of
10 this report but if we have not finished it in the next
11 15 minutes, I want to break off and take up for
12 consideration the report of the Committee on Elective
13 Franchise. Mr. Russell has to go to Annapolis this
14 afternoon.

15 DR. BARD: Roman numeral six will bring
16 some discussion. Seven isn't likely to bring us much.

17 Next recommendation deals with requirements
18 for eligibility as a member of the Legislature. There
19 are in all four points here. Persons should be
20 eligible as a Legislator if he has resided in the State
21 of Maryland for at least one year next preceding the day

1 of election and was a qualified voter in the state.
2 But it would not be necessary for such person to be a
3 resident of the county or legislative district which
4 he would represent.

5 It is this one I suspect we should take
6 separately. Two parts here. We may want to vote on
7 the one year clause. It is now three years. The
8 second part in which we say he would not need to be a
9 resident of the county or legislative district and
10 this is now one year.

11 Next the person should be eligible as a
12 Senator, upon attaining the age of 25 and Delegate upon
13 attaining the age of 21, that is as it is now.

14 The new constitution should contain no
15 provision to the effect that a minister or preacher of
16 the Gospel or any religious creed or denomination shall
17 not be eligible as a Senator or Delegate.

18 Four, the new constitution should contain
19 no provision to the effect that any person holding
20 any civil office of profit or trust shall not be
21 eligible as a Senator or Delegate. Incidentally, Mr.

1 Russell's Committee has dealt a little bit with this or
2 is it miscellaneous --

3 MR. RUSSELL: Miscellaneous committee.

4 DR. BARD: Four might be delayed. As for
5 the first three recommendations, I shall comment
6 mainly on Recommendation One and Three, Two should
7 not bring very much debate.

8 It is the view of the Committee that we ought
9 to lower the state residency requirement to one since
10 there is a good deal of mobility in America, especially
11 in a state like Maryland, which is the third most rapidly
12 growing state in population east of the Mississippi
13 River. We think we would get possibly better people
14 to run if we lowered this to one year.

15 As for eliminating the residential require-
16 ment for county or legislative district, we think that
17 since the Senate now does not necessarily recognize
18 each county as such and since there is more cohesiveness
19 within the state as a whole, that this is not necessarily
20 a requirement of significance.

21 I might add there was a little more difference

1 of opinion on that second part within our Committee
2 than the first part and, therefore, Mr. Chairman, I
3 would prefer that we divide that first recommendation
4 into two parts, Paragraph One.

5 THE CHAIRMAN: The first question to be
6 considered is the first half of Paragraph One, Eligibility
7 Requirement for Residence, one year preceding the day
8 of election. Any discussion? Ready for the question?
9 All those in favor of the recommendation of the report
10 signify by saying aye, contrary, no.

11 The ayes have it. The second part is that
12 it shall not be necessary for such a person, candidate,
13 to be a resident of the county or legislative district
14 which he would represent. Any discussion?

15 MR. MILES: I would like to say before I
16 forget it, Mr. Case asked me to express his thought
17 against this.

18 I am against it in principle and I can conceive
19 no reason to justify it. I can't think of any weapon
20 you could hand people to vote against the whole proposal
21 of this committee than that. Because what you are saying

1 literally is that four or five geographic sections of
2 the state could name the whole Legislature if it wanted
3 to.

4 THE CHAIRMAN: He would be elected by the
5 people of the district. He just need not be a resident
6 of the particular district.

7 MR. MILES: Just as bad.

8 THE CHAIRMAN: It may be.

9 DR. BARD: I would remind you, Mr. Chairman,
10 and , Mr. Miles, that this holds true for Congressional
11 representation now in Maryland. Is that not true,
12 Congressman Miller?

13 MR. MILLER: So I understand.

14 MRS. FREEDLANDER: No provision in the
15 United States Constitution for that.

16 DR. BARD: I want to be fair that our
17 Committee was not as tightly united on this part as
18 the first part but as far as Congressional representa-
19 tion is concerned, there are no qualifications.

20 THE CHAIRMAN: There is one qualification to
21 the last comment which is that while there is no require-

1 ment that the members of Congress from a given state
2 live in the district from which they are elected there
3 is a requirement, of course, that they live in the state
4 which they are elected to represent.

5 MR. MILES: Also the practical facts of life
6 are that it doesn't happen.

7 MR. SAYRE: A practical matter, I think,
8 probably a resident will be elected but it isn't some-
9 thing that I think should be required in the constitution.

10 THE CHAIRMAN: Any further discussion?
11 Ready for the question?

12 DR. BARD: I wish we could get some feeling
13 from Mr. Miles as to how much time in residence he
14 believes would be significant before one really knows
15 the individual.

16 MR. MILES: A year or two. The objection I
17 have to it if I read it correctly is that you could
18 have twenty-five residents of Montgomery County and a
19 hundred residents of Baltimore City and forty residents
20 of Prince Georges County and thirty residents of Baltimore
21 County --

1 DR. BURDETTE: But not elected by your county.
2 I recall a situation in another state in which a very
3 prominent citizen who had several times run for Congress
4 had been defeated because the party was not in power
5 ran for the Legislature from a county in which he was
6 not a resident and was elected. Actually it was
7 unconstitutional but nobody noticed it until after he
8 served his four-year term. He was elected very easily
9 because he had been their candidate for Congress. They
10 voted for him very heavily and they got him in the Legis-
11 lature. I raise this question because I think it has
12 some possibilities. Wouldn't happen often.

13 THE CHAIRMAN: Any further discussion?
14 Mr. Smith.

15 MR. SMITH: It seems to me philosophically
16 there is a reason for a person representing a district
17 to be a resident of the district so he would be
18 acquainted properly with the problems of the district
19 which I believe he is representing in the Legislature.

20 The other side of the coin is you could bring
21 in maybe a better man to represent the district than the

1 district would supply but this would sound like a
2 professional itinerant politician.

3 MR. MILES: We could have ten or twelve
4 counties with no representation.

5 MR. MILLER: The one point on the other
6 side, I don't feel too strongly about this, is the
7 electorate is going to really want somebody, if they
8 elect a person accused of being a foreigner, they have
9 done that in the past. We have a great many situations
10 where due to our metropolitan set-up somebody has a
11 legal home, their homestead is on one side of the boundary
12 and their business, their knowledge, their entire
13 interest is centered in some other town. They would
14 perhaps be a very qualified representative for that
15 town but technically they live across the river. We
16 thought that by making it a little more flexible, after
17 all, the real crux of it is that this electorate is not
18 going to elect somebody from Baltimore City if they are
19 down in the wilds of Smith Island, for example, just
20 because everybody in Baltimore City likes him.

21 I don't think there is any great danger in

1 passing it as we recommended it.

2 MR. MELVIN: I think one danger is that you
3 militate against acceptance of the entire constitution
4 proposed by this Commission.

5 MR. MILES: I am sure of it.

6 MR. SAYRE: Mr. Chairman, I can't say whether
7 this would or would not. It depends on who is going
8 to call out this as a dangerous issue. In all likelihood,
9 99 per cent would be elected from district of residency.

10 If you live across the line as happens in
11 many cases and you have your roots maybe more in the
12 other area, it couldn't make that much difference. The
13 real thing is, Mr. Smith brought this out, that traditional
14 ly we have had a residency requirement but that is when
15 travel was so much more difficult. We are always behind
16 the times and usually technology leads the way. When
17 you had to take a horse and buggy it is different. Today
18 it doesn't pose that problem. We are discussing a
19 technological problem rather than a basic issue.

20 THE CHAIRMAN: The residency requirement is
21 not just limited to that. You have it throughout the

1 constitution as to other offices, Judges, for instance,
2 which have no relation to the travel requirements.

3 MR. SAYRE: There could be flexibility as
4 to whether they could be a Judge serving a circuit from
5 which they are not a resident.

6 THE CHAIRMAN: It isn't true now.

7 MR. SAYRE: That is true but we are getting
8 more and more away from that as a trend.

9 DR. JENKINS: It seems this is a rather
10 innocuous item. First it is not going to happen often.
11 Second the decision is made by the electorate of the
12 district.

13 One other point that came up in Committee is
14 that in the future when we are going to have more
15 redistricting as a result of a census than we have now
16 this would enable an electorate to retain a representa-
17 tive who might be redistricted out of that particular
18 district. But the essential thing is it is up to the
19 people in that district. I just don't think this is
20 really objectionable.

21 DR. BARD: As some of you know, I have been

1 Chairman of the Redistricting Committee for Baltimore
2 City Council

3 On a number of occasions there were discussions about
4 the fact that although you can't put the boundary lines
5 here, a fellow holds office, lives just one block out-
6 side of this, so a certain amount of gerrymandering
7 often needs to take place in order to take care of the
8 particular situation. With this kind of arrangement, it
9 would be unnecessary.

10 THE CHAIRMAN: Any further discussion?
11 Ready for the question? I call to your attention that
12 unlike the question this morning on the election of
13 delegates, we are not talking about a person being able
14 to be a resident of the county and not of the subdistrict.
15 This provision goes further and it is that he is not
16 required to be a resident of the district or of the
17 county.

18 MR. MILES: This means a person from Montgomery
19 County could be elected to represent Talbot, Caroline,
20 or Washington or Baltimore City.

21 THE CHAIRMAN: But the people of the district

1 would be the ones to decide. Ready for the question?
2 All those in favor please signify by saying aye. Contrary,
3 no. The Chair is in doubt. Those in favor signify
4 by raising hands. Contrary. Thirteen to seven in
5 favor.

6 DR. BARD: I don't think we will have as
7 much discussion on point two, persons should be
8 eligible as a Senator upon attaining the age of 25 and
9 Delegates 21.

10 THE CHAIRMAN: Is there any discussion on
11 this? If not, those in favor of the recommendation
12 signify by saying aye, contrary, no. So ordered.

13 DR. BARD: Third recommendation deals with
14 supervision in regard to minister or preacher of the
15 Gospel or any religious creed. Only Maryland and
16 Tennessee have these requirements and we are suggesting
17 that this be eliminated, this restriction.

18 THE CHAIRMAN: You might mention the rather
19 curious reaction of the legislative group.

20 DR. BARD: You will be interested to know
21 one member of the Legislature said that he was concerned

1 about eliminating this restriction because if he ran
2 against a clergyman, he couldn't cuss him out. It
3 would be a rough campaign as far as he was concerned.
4 This is the only point that came up. Or it couldn't
5 be a rough campaign. Rough for him.

6 THE CHAIRMAN: Any further discussion?
7 Ready for the question? Those in favor of the recommenda-
8 tion, please signify by saying aye, contrary, no.
9 So ordered.

10 DR. BARD: The fourth one, I think, creates
11 more intricate problems. Section 2, it is the one
12 dealing with the constitution should contain no provision
13 to the effect that any person holding any civil
14 office of profit or trust shall not be eligible as a
15 Senator or Delegate. This was amended to take care of
16 notaries public. That created a number of problems for
17 people in the Legislature.

18 Section 2, Article 3 prohibits any person
19 holding a civil office of profit or trust under this
20 statute except Justices of the Peace.

21 Article 35 of the declaration of rights

1 contains similar language. It is our feeling that
2 really covers it. Article 35 of the declaration of
3 rights reads that no person shall hold at the same time
4 more than one office of trust created by the constitution
5 and laws of this state nor shall any person in public
6 trust receive any -- et cetera. It exempts the notary
7 public.

8 I don't know whether there are any changes
9 in mind by the Committee handling this particular one.
10 We feel that whatever is done ought to be done by
11 them rather than by us. Therefore, this ought to go
12 out of the specific area of Article 3.

13 THE CHAIRMAN: May I ask you a question. You
14 don't think there is any possibility that there should
15 be desirability for not having a member of the Legisla-
16 ture hold office under the Executive Department without
17 a general provision?

18 DR. BARD: Yes, we feel that this is the
19 subject that should be left to the Legislature itself.
20 Might get into the election code, by way of illustration,
21 then through statutes passed by the Legislature. Apart

1 from the fact that there would be some overriding
2 consideration in the declaration of rights.

3 THE CHAIRMAN: So that I may understand,
4 this is not a recommendation that there be no prohibi-
5 tion against two offices in the constitution but merely
6 a recommendation that there be no specific provision
7 limited to the Legislature?

8 DR. BARD: Correct.

9 THE CHAIRMAN: Any discussion?

10 MRS. BOTHE: Our Committee already recommended
11 in the case of the oath itself which contains a pronounce-
12 ment that one will not hold more than one office, that
13 that be eliminated. I believe the Commission adopted
14 the recommendation.

15 THE CHAIRMAN: Merely to eliminate it from
16 the oath.

17 MRS. BOTHE: Yes, I understand the Declara-
18 tion of Rights Committee deferred to part of it. It
19 was probably not a subject that should be treated within
20 the constitution. We haven't specifically made a
21 recommendation. We would agree with your rationale in

1 eliminating it.

2 THE CHAIRMAN: I am afraid we may fall
3 between the forces here and each Committee think the
4 other is governing.

5 DR. BURDETTE: It should be in the constitution
6 on a matter of principle, at some place in the
7 constitution, on the ground that we dealt with before
8 that people should not be judges in their own cause.
9 If we let this go to the Legislature then, of course,
10 if they say we in the Legislature can hold certain
11 offices, people will bitterly criticize them even if
12 it is good public policy. If they do the contrary,
13 they will be strongly tempted not to.

14 What I am afraid of is if we don't have it
15 somewhere, we elect members of the Legislature to get
16 their votes for something some Governor will appoint
17 them to other offices so they will be more comfortable
18 financially and we will be in a very embarrassing
19 situation. I think there ought to be somewhere in the
20 constitution that people do not hold two offices and
21 it ought not to be for them to decide.

1 MR. MARTINEAU: I might suggest that I
2 think that is done many times. All that is done now
3 is a man resigns one job to take a new one.

4 DR. BURDETTE: That is some asset. Under
5 this, he wouldn't have to resign.

6 THE CHAIRMAN: So this not be overlooked and
7 we don't do inadvertantly what we don't want to do
8 directly the vote on there will be limited solely to
9 if it is approved to taking it out of Article 3. That
10 is, a prohibition specifically directed to members
11 of the Legislature. But the Committee on Miscellaneous
12 Provisions will be requested to report specifically one
13 way or the other on a general provision so that it
14 will not be lost sight of.

15 MRS. BOTHE: That provision might include
16 a constitutional prohibition that people in the
17 Legislature --

18 THE CHAIRMAN: Yes, the Committee reports
19 specifically that it either does or does not recommend
20 a general provision in the constitution with respect
21 to holding more than one office.

1 MRS. BOTHE: I suggest perhaps we shouldn't
2 take a vote on the floor until our Committee has had
3 a chance to look into it.

4 THE CHAIRMAN: That may be better if it is
5 satisfactory.

6 DR. BARD: That is all right with us except
7 one additional reason for our rationale was the over-
8 riding consideration that we want this to be as short
9 a document and here was one way to make it shorter.

10 THE CHAIRMAN: That's in order to remove
11 any difficulty. We will pass this question at the
12 present time and that the Chairmen of the two Committees
13 consult before either makes another report on this
14 question.

15 DR. BARD: Very well.

16 THE CHAIRMAN: If that is acceptable, I
17 will suspend consideration of this report at this
18 time in order to take up consideration of the report
19 of the Committee on Elective Franchise because Mr. Russell
20 has to go to Annapolis.

21 MR. RUSSELL: This is the third report of the

1 Committee on Elective Franchise. This third report
2 the Committee hopes reflects the mandate of the
3 Commission at our last meeting where the second report
4 was presented and the Commission recommended certain
5 changes.

6 Page two, Section 1, eligible voters. I
7 might state that the Committee recommends that title of
8 this article be suffrage and elections rather than
9 elective franchise because suffrage and elections more
10 appropriately describes the contents of this section.

11 THE CHAIRMAN: Let me break in to say that
12 rather than take a vote on this, we will refer that
13 question to the Committee on Style, Dr. Burdette just
14 having left the room.

15 MR. RUSSELL: Section 1, Page 2 of the
16 report, eligible voters. Every citizen of the United
17 States who has attained the age of 21 years and who
18 has been a resident of the state for six months and of
19 the Legislative district in which he offers to vote for
20 three months next preceding an election and who is
21 registered to vote shall be eligible to vote at such

1 election for all officers to be elected by the people
2 and upon all questions submitted to a vote of the
3 people. Removal from one legislative district to
4 another in this state shall not deprive any person of
5 his eligibility to vote in the legislative district
6 from which such person has removed until three months
7 after his removal.

8 This section expresses the major qualifica-
9 tions of voting. That is, age and period of residence.
10 It reflects fairly the comments the Commission had at
11 the last meeting. Legislative district is substituted
12 for legislative district in Baltimore or of the county.

13 THE CHAIRMAN: Before you move on to the next,
14 Mr. Russell, some group, the name of which I forgot,
15 wrote a letter, submitted some data on the proposition
16 that the age for voting should be reduced to 18. Has
17 the Committee had an opportunity to consider that?

18 MR. RUSSELL: Yes, sir, we did consider it.

19 THE CHAIRMAN: You rejected it?

20 MR. RUSSELL: Yes, sir, unanimously.

21 THE CHAIRMAN: Any discussion of this section?

1 DR. BARD: Mr. Chairman, will Mr. Russell
2 please explain why three months after dismissal and
3 six months after he has been a resident -- I am trying
4 to straighten out that additional three-month period.
5 In other words, it would be possible for one to be
6 removed if he had been out of the district for three
7 months and not necessarily be able to vote in the new
8 one. You are left if you fall between three and six
9 months. Is that reasoning that I haven't straightened
10 out for myself?

11 THE CHAIRMAN: You better state it again.

12 DR. BARD: The way this reads --

13 THE CHAIRMAN: Six months is residency in the
14 state.

15 DR. BARD: Okay. Sorry.

16 MR. SAYRE: I am raising an issue here. I
17 would like to move -- and discussion afterwards -- I
18 would like to move the voting age be established at
19 age nineteen and would like to speak to that question.

20 THE CHAIRMAN: A second?

21 MR. CLAGETT: Second in order to let him

1 speak.

2 THE CHAIRMAN: You have the floor, Mr. Sayre.

3 MR. SAYRE: There are a great number of
4 organizations in the country, lots of which are old
5 fogies, who say a young person has attained as much
6 maturity of judgment at age eighteen as any older age.
7 There are a lot of good reasons some of which are not
8 logical such as serving in the military forces, I don't
9 think that is a reason to vote necessarily. But the
10 interest you would gain in the participation of public
11 affairs right after you supposedly got out of high
12 school is best encouraged by permitting that person
13 to vote to exercise the knowledge he is supposed to be
14 acquiring.

15 I think one of the most persuasive argu-
16 ments is that the lag of time between his being all
17 pepped up to go in and be a citizen and the time he
18 can actually vote is delayed by the amount that age
19 twenty-one would provide. May be two, three, or four
20 years before he could vote anyhow. I think maturity of
21 judgment is as much at nineteen as twenty-one often more

1 than at age thirty. I would like us to really discuss
2 this issue.

3 MR. RUSSELL: The Committee considered all
4 these arguments for lowering the voting age and found
5 any decision to be made would be arbitrary to many
6 groups. In light of any overwhelming reason to change
7 we unanimously voted to leave it at twenty-one. But
8 the traditional argument is offered if you are old
9 enough to fight, you are old enough to vote, the
10 logic of this was completely destroyed in the public
11 hearing of the Committee. But the degree of maturity,
12 of course, depends on each individual. Many people at
13 forty haven't reached a stage of maturity that many of
14 us would believe they would be qualified to vote.
15 There must be some cutoff. We saw no reason to change
16 from twenty-one.

17 THE CHAIRMAN: Any further discussion?

18 MR. MILLER: Question.

19 THE CHAIRMAN: A vote aye is a vote in favor
20 of reducing the voting age to age nineteen. Those in
21 favor of the motion, please signify by saying aye.

1 Contrary minded, no. The noes have it. Mr. Russell.

2 MR. RUSSELL: I move we adopt Section 1,
3 Mr. Chairman.

4 MRS. FREEDLANDER: Second.

5 THE CHAIRMAN: Ready for the question? All
6 those in favor signify by saying aye, contrary, no.
7 Ayes have it.

8 MR. RUSSELL: On Page 4, Section 2, Persons
9 Eligible to Vote in Presidential Elections, any person
10 who has been a resident of this State less than six
11 months next preceding an election, but who is otherwise
12 eligible to vote under this Article, may vote for
13 presidential electors in such an election.

14 This section is new to the Maryland constitution
15 but has been included in several other state constitutions
16 in recent years. This is new to the Maryland constitution
17 and the Commission, if I recall at the last meeting,
18 approved it. However, since this whole section is
19 being submitted in final form, we hope, we move that
20 Section 2 be adopted as read.

21 MR. SAYRE: Second.

1 MR. MILES: This doesn't mean, as I understand
2 it, he has been an eligible voter for six months but
3 merely a resident?

4 MR. RUSSELL: Resident and otherwise quali-
5 fied and limited to presidential elections.

6 THE CHAIRMAN: Further discussion? Ready
7 for the question? All those in favor of this section
8 as drafted signify by saying aye, contrary, no. Ayes
9 seem to have it. The ayes have it. So ordered.

10 MR. RUSSELL: On Page 5, Section 3, Residents
11 of Federal Government Reservations. No person shall
12 be deemed ineligible to vote in national or State
13 elections solely by reason of the fact that he resides
14 on land over which the United States Government exercises
15 exclusive jurisdiction.

16 At our last meeting some comment was made
17 as to whether the term exclusive jurisdiction was proper
18 and the Committee looked it up and found that Mr. Gentry,
19 when he was Assistant Attorney General, wrote the opinion
20 which deems this is the proper language. I think Mr.
21 Martineau raised that. I was certain to have Mr. Gentry

1 present at today's meeting.

2 MR. MARTINEAU: I wondered why you didn't
3 bring it up last time. Must have been because he
4 wasn't here.

5 MR. RUSSELL: It was at the tail-end of the
6 meeting and perhaps he was tired. This simply gives
7 those presently excluded because of residence on Federal
8 reservation the right to vote in national and State
9 elections only. This does not apply to local elections.

10 JUDGE ADKINS: Does this mean all members
11 of the Armed Forces at Fort Meade, for example, 21
12 years of age, would be entitled to vote in Maryland
13 elections?

14 MR. RUSSELL: No, sir, they don't establish
15 residence by reason of their involuntary presence there
16 in the Army. I mean their involuntary presence in the
17 state as a result of service in the United States Army.
18 This would apply to civilian employees on many Federal
19 reservations that have lived there ten, fifteen, and
20 twenty years. Again I emphasize this does not confer
21 upon them the right to vote in local elections. Only

1 statewide and national elections.

2 MRS. BOTHE: If a service person here six
3 months cares to register living at Fort Meade desires
4 to do so, he can?

5 MR. RUSSELL: Yes, if he establishes his
6 qualifications as a voter.

7 THE CHAIRMAN: This must be read in
8 connection with Section 5 giving the Legislature power
9 to define residence.

10 MR. RUSSELL: Also Section 7 on Page 9 which
11 states nothing contained in this article shall be
12 deemed to deny the political subdivisions the power to
13 prescribe additional qualifications for voters offering
14 to vote in local elections. Considered in light --

15 THE CHAIRMAN: Any further discussions or
16 questions?

17 MR. SAYRE: Why is this necessary in the
18 constitution? Maybe it is. I am just asking. Why
19 couldn't it be provided by law?

20 MR. MILLER: The trouble there is a great
21 many of our friends have been disqualified due to Federal

1 and State decisions as a person residing on a Government
2 hospital or somewhere like that is pre-empted from
3 voting in Maryland under the constitution. It is
4 to clear up that point. It is a very important one to
5 a lot of people.

6 MR. SAYRE: If the new constitution does
7 not deny that right -- I can imagine where you preclude
8 on purpose people in mental hospitals or prisons.

9 MR. MILLER: People on the staff at Perry
10 Point have been ineligible to vote since World War I
11 because they occupy quarters supplied by the Federal
12 Government on the grounds. They have to serve on
13 juries, pay state income taxes, not allowed to vote.

14 THE CHAIRMAN: Mr. Sayre's point was, I think,
15 why couldn't this be left to the Legislature? I think
16 the answer is the Committee indicated at the last meeting
17 they thought this was important enough not to leave
18 to the Legislature.

19 MR. MILLER: I think also there was an
20 opinion some years ago of the Attorney General that the
21 Legislature couldn't correct it.

1 THE CHAIRMAN: Any further discussion?

2 MR. RUSSELL: I move the adoption.

3 THE CHAIRMAN: Ready for the question?

4 Question is on the adoption of Section 3. All those
5 in favor signify by saying aye. Contrary, no. So
6 ordered.

7 MR. RUSSELL: Section 4. Disqualification.
8 No person shall be eligible to vote during such time as
9 he is adjudicated mentally incompetent; and the General
10 Assembly may by law exclude from voting those persons
11 convicted of serious crimes.

12 This section is a revision reflecting the
13 comments of the Commission at our previous meeting. We
14 have added the word adjudicated mentally incompetent
15 to set some firm standard and we provide here that
16 the General Assembly should determine who shall be
17 disqualified from voting as a result of conviction of
18 crimes. The word serious the Committee debated a
19 long time but we could not find a better adjective than
20 serious. We submitted this in the form presented now.

21 THE CHAIRMAN: Any further discussion?

1 MR. MELVIN: I think we are opening ourselves
2 up to litigation as to the interpretation of that word
3 serious. I don't know the solution to it but it seems
4 to me no matter what the Legislature decides, that it
5 could be attacked on the grounds that the crimes they
6 designate are not serious.

7 MR. RUSSELL: The answer is the Committee
8 felt it would be in the proper place, proper for the
9 courts to decide and interpret any statutes.

10 MR. MELVIN: I realize that but it seems
11 to me if we could come up with something a little more
12 definite such as the one you have in the footnote on
13 Page 7, in New Jersey. At least that would avoid any
14 possible litigation.

15 MR. RUSSELL: Who shall be convicted of
16 such crimes as it may designate? We thought we should
17 have serious to indicate to the Legislature we didn't
18 feel people convicted of disturbing the peace should
19 lose their right to vote. We rejected the word infamous
20 because it has some vague common law definition and
21 would not include crimes for which many members of the

1 committee felt someone should lose his right to vote.

2 The discussion was so vague it was felt it
3 was a proper subject matter for the Legislature. This
4 was directed at the last meeting by the Commission.
5 The Committee didn't have much choice as a result of the
6 Commission's mandate except for the use of the adjective
7 serious.

8 DR. BARD: Could you have said felony or
9 felonious?

10 MR. RUSSELL: We are vague as to the meaning
11 of the word felony.

12 MR. CLAGETT: The only definition that might
13 be given would be possibly convicted of crime and
14 serving two years in a penal institution or something
15 of that kind. Because you may be convicted of a serious
16 crime and be put on probation because even though it is
17 a serious crime the circumstances were such that it is
18 not that serious. Leaving it open to what is serious
19 is certainly going to be a matter throwing us squarely
20 into the courts.

21 MR. RUSSELL: We feel the Legislature should

1 be the proper tribunal to exercise or make a list and
2 as the report reflects, if someone is aggrieved he has
3 redress in court.

4 MR. CLAGETT: I hesitate to have the
5 Legislature depriving somebody of a constitutional right.

6 MRS. BOTHE: I think Mr. Clagett's point is
7 different because here if the Legislature says rape is
8 a serious crime, I don't think anybody would dispute
9 that but on the other hand if somebody just happened
10 to have a girl friend in an automobile and went too
11 far, he would be stuck with disenfranchisement under
12 the Legislature's fair differentiation and he wouldn't
13 have a remedy by testing the word serious in the court.

14 MR. RUSSELL: Changes in serious crimes
15 should be able to be made without amending the
16 constitution.

17 DR. BURDETTE: I would like to express the
18 view that for myself I would not prevent anybody from
19 voting unless he was actually serving under a penal
20 servitude. When the fellow is out of prison after
21 twenty years, I would let him have the franchise. This

1 departs from past practice but did the Committee consider
2 that?

3 MR. RUSSELL: No, we felt that is something
4 people would tell the Legislature.

5 DR. BURDETTE: Also I am afraid under this
6 language the Legislature could say well, the people
7 in prison can vote.

8 MR. RUSSELL: If the Legislature so deemed
9 proper, this is true. It is up to the Legislature to
10 determine all these things and take into consideration
11 all views expressed here. We could have stated simply
12 persons convicted of crimes but serious was just put
13 there to let the Legislature know that the framers of
14 the constitution didn't intend this to be a trivial matter.

15 THE CHAIRMAN: We have to run the risk of
16 litigation in a number of areas. We defined our
17 used terms in the constitution that can't have a precise
18 and mathematically exact meaning. I don't believe
19 that's a problem.

20 JUDGE ADKINS: This may be a matter for the
21 Committee on Style. Throughout this document we used

1 as provided by law, here we are saying the General
2 Assembly may by law. Do we mean a distinction? Could
3 this be done by joint resolution in the General Assembly?

4 MR. RUSSELL: No.

5 THE CHAIRMAN: I think this would be a
6 question of style. The same phrase is used in several
7 other sections. One of the Committees we had a report
8 from last session used that and we had a long discussion
9 about it. I think the question then was left to the
10 Committee on Style, was it not, Professor Burdette?
11 This really is stylistic. I don't think your Committee
12 meant to imply an action by the General Assembly that did
13 not require approval of the Governor.

14 MR. RUSSELL: No, we did not contemplate that.

15 MR. HOFF: One other thing. The word adjudi-
16 cated relating to mentally incompetent persons, half
17 our institutions are filled with people who have
18 not been adjudicated insane.

19 MR. SAYRE: That was my very question.

20 MR. HOFF: That is my point.

21 THE CHAIRMAN: You mean somebody could be

1 committed without being adjudicated?

2 MR. HOFF: Somebody can be very insane and
3 be committed and still have the right to vote if we
4 keep in the word adjudicated because a very small
5 percentage of them are adjudicated insane by a court
6 before they are committed.

7 THE CHAIRMAN: Did the Committee consider
8 that?

9 MR. RUSSELL: Yes, we considered it. We
10 could not think of any other better standards than
11 a court adjudication. According to Mr. Hoff, there are
12 a lot of people outside of institutions who perhaps --

13 THE CHAIRMAN: If you have somebody actually
14 committed to an institution under medical certificate
15 you have at least an ascertainable prima facie standard.

16 MR. RUSSELL: Yes. Wouldn't that be by court
17 order?

18 THE CHAIRMAN: No, many times not. Under
19 statute providing for commitment on certificate of
20 two physicians.

21 MR. SAYRE: This is my same point here too.

1 I take the reverse view also. What you're doing here
2 is requiring adjudication for any declaration of
3 incompetency in order to deprive him of the right to
4 vote.

5 THE CHAIRMAN: Right.

6 MR. SAYRE: Is there any danger, I don't say
7 it is in the voting area but there is a field of thought
8 adjudication might ultimately be eliminated altogether
9 as far as mental incompetency is concerned for
10 hospitalization.

11 THE CHAIRMAN: Adjudication in the sense
12 we use it today, yes.

13 MR. SAYRE: I wonder if this would hurt
14 that forward progress.

15 THE CHAIRMAN: Might I suggest that the
16 Committee take under advisement for further considera-
17 tion possible change of this phrase either to have
18 some language such as adjudicated or committed or
19 perhaps to authorize the General Assembly to provide by
20 law the means by which exclusion from voting on mental
21 incompetency grounds could be determined.

1 MR. RUSSELL: Yes, Mr. Chairman, we can
2 take that under advisement. Leave it to the General
3 Assembly to determine the standard or attempt to
4 revise this.

5 MRS. BOTHE: If we are going to reconsider
6 the section I would like them to consider Professor
7 Burdette's suggestion that the restriction be only as
8 to those serving sentences at the time they would other-
9 wise be eligible to vote.

10 MR. RUSSELL: We did consider that in our
11 Committee and came up with the idea that the entire
12 matter should be left to the Legislature. If this
13 is a proper standard let the Legislature pass the law
14 rather than have it as a constitutional provision.

15 THE CHAIRMAN: If the Committee elects to
16 stand on that.

17 MRS. BOTHE: I would move the opposite.
18 It could be debated at some length and if the Committee
19 hasn't thoroughly considered it, I suggest they reconsider
20 it but I feel the confusion as to what crimes people
21 are convicted of and which ones involve moral turpitude
and when they should be able to regain if ever their

1 franchise usually go back in the lap of the Governor.
2 Perhaps Governor Lane could comment on this, I am sure
3 he has had the experience of people who have been
4 convicted of crimes that would presently exclude them
5 from ever voting seeking pardons for the purpose of
6 regaining the franchise.

7 It seems to me once a person has served or
8 paid his debt to society, so to speak, and is a free
9 man in the community, he should be entitled to his
10 franchise or at least not disenfranchised for life
11 because of what he has done. I don't think the consti-
12 tution should permit the Legislature to disenfranchise
13 people because of past conduct during such period as
14 society has let him go free.

15 THE CHAIRMAN: I take it you move the second
16 part of the sentence be rephrased to authorize the
17 General Assembly by law to exclude from voting those
18 persons convicted of serious crimes during the period
19 of their incarceration?

20 MRS. BOTHE: I think anybody in jail even
21 for a petty crime on election day shouldn't be able to

1 vote but at such time he is released no matter what crime
2 or released from sentence including the period he is
3 on probation or parole.

4 MR. RUSSELL: Is this a matter of constitu-
5 tional dimension?

6 THE CHAIRMAN: Let's get the motion.

7 MR. MELVIN: Second.

8 THE CHAIRMAN: Go ahead.

9 MR. RUSSELL: I think the issue really is
10 whether the question now is of constitutional dimension.
11 Is it necessary to have it in the constitution or can
12 the Legislature enact it and as it changes its mind or
13 public opinion changes, the law can be enacted without
14 affecting the constitution rather than substantive
15 merits.

16 MRS. BOTHE: What I am speaking to is where
17 you say the General Assembly may exclude people who
18 have been convicted from their franchise. If you were
19 silent about that altogether, the General Assembly couldn't
20 preclude anybody from voting because of a conviction.
21 I don't see how you get around it technically. My exact

1 proposal would be that it be amended that the General
2 Assembly may by law exclude from voting those persons
3 serving sentences for crime without specifying serious
4 or nonserious but simply if they care to do so they can
5 restrict the right to vote of those under sentence for
6 any kind of crime.

7 MR. RUSSELL: That would be disorderly conduct?

8 MRS. BOTHE: If their sentence is still
9 extant.

10 MR. RUSSELL: Or disturbing the peace in
11 default of a fine?

12 MRS. BOTHE: Yes, if they are there on
13 election day.

14 THE CHAIRMAN: Ready for the question? The
15 question arises on Mrs. Bothe's motion which would
16 have the effect of directing the Committee to redraft
17 the section so as to authorize the General Assembly to
18 exclude from voting persons serving sentences as a
19 result of conviction of crime. The Committee's position
20 is that the entire matter of exclusion from voting be
21 left to the Legislature subject only to the restriction

1 that the conviction be of serious crimes. Ready for
2 the question? A vote aye is a vote in favor of the
3 amendment suggested by Mrs. Bothe. All those in favor
4 signify by saying aye. Opposed, no. The Chair is in
5 doubt. The ayes signify by raising hands. Contrary, no.
6 Seven to ten. The motion is lost. Seven to ten.

7 Before we vote on the section as it stands,
8 Mr. Russell, may I ask the Committee to consider whether
9 it is necessary to provide in this second phrase
10 authority in the Legislature to remove the exclusion
11 from persons who have been pardoned. I am afraid the
12 way the language is now if the Legislature passed a
13 law saying that one convicted of murder loses the right
14 to vote it would perhaps not have the right to say that
15 one pardoned regained. I make that as a suggestion for
16 consideration.

17 Any further discussion on Section 4? Ready
18 for the question?

19 MR. SAYRE: We are voting --

20 THE CHAIRMAN: The question arises on the
21 tentative approval of Section 4 subject to the two

1 matters referred to the Committee for further considera-
2 tion. This is merely tentative approval of this section.
3 Ready for the question? Those in favor signify by
4 saying aye. Contrary, no. Ayes have it. So ordered.

5 That means we will expect the committee to
6 report again on that section.

7 MR. RUSSELL: Yes. We meet again tomorrow
8 night. Section 5. Elections. The General Assembly
9 shall by law determine Legislative Districts, define
10 residence, establish a system of permanent registration
11 of voters, provide for the nomination of candidates,
12 regulate the time, place, and manner of elections,
13 provide for the administration of elections and for
14 absentee voting, insure secrecy of voting and protect
15 the integrity of the election process.

16 This section reflects again a mandate of the
17 Commission at its May 16 meeting where we attempted
18 to shorten the entire article by delegating to the
19 Legislature the entire administration of elections,
20 including absentee voting.

21 THE CHAIRMAN: Any discussion?

1 MR. SAYRE: I hate to always be picayune.
2 I would like to amend this by inserting one word,
3 third line down, establish a uniform system including
4 the word uniform.

5 THE CHAIRMAN: What do you mean by the word
6 uniform? Uniform throughout the State?

7 MR. SAYRE: Throughout the State. If
8 that isn't clear, I would like a word that would make
9 that sense clear.

10 MR. RUSSELL: We have no objection to that.
11 We contemplated that.

12 MR. HOFF: Except municipal elections should
13 not be included in any uniformity of state elections.

14 MR. RUSSELL: This wouldn't apply.

15 THE CHAIRMAN: Wouldn't it apply as to
16 registration?

17 MR. SAYRE: Registration requirements have
18 to be uniform.

19 THE CHAIRMAN: The counties and towns don't
20 have separate registration.

21 DR. BURDETTE: They do now.

1 MR. HOFF: Under their own charters they
2 have the right to set up eligibility requirements of
3 voters.

4 MR. MARTINEAU: And their own election boards.

5 JUDGE ADKINS: If it is intended to apply
6 only to election for state offices, it is onething --

7 MR. RUSSELL: In light of the fact local
8 subdivisions can make additional requirements this
9 would only apply to state-wide elections not to local
10 elections. The local political subdivisions would
11 maintain separate registrations in pursuance to the
12 mandatory home rule in their particular requirements.

13 JUDGE ADKINS: In your concept of subdivisions
14 being able to add to but perhaps not take away from
15 would the method of providing for nomination of candidates
16 here govern the mayoralty of a small town, for example?

17 MR. RUSSELL: Not necessarily under local
18 home rule mandate.

19 DR. BURDETTE: I am afraid it would. It runs
20 a conflict.

21 JUDGE ADKINS: Seems to me local elections

1 should be excluded from the application of this
2 article. I don't think the Legislature has a right.
3 If you have home rule -- Mr. Clagett, I think somebody
4 is going to recommend --

5 MR. CLAGETT: I hope with the assistance of
6 the committee -- off the record on that one.

7 THE CHAIRMAN: In order to do that, you have
8 to insert a phrase after by law and before determine
9 something to the effect that for purposes of state and
10 national elections.

11 MR. RUSSELL: Yes.

12 MR. BROOKS: Mr. Asper will be here in a
13 moment. He contemplated this whole article would
14 have no relationship in any respect to municipal elec-
15 tions without saying anything more.

16 MR. RUSSELL: We believe that but if the
17 Commission wants to emphasize this with language, we
18 see no reason to object.

19 THE CHAIRMAN: Probably in light of that
20 comment, it would be more appropriate to broaden, if
21 necessary, Section 7, nothing contained in this article

1 shall be deemed to deny the political subdivisions the
2 power to prescribe additional qualifications of voters
3 offering to vote in local elections.

4 THE CHAIRMAN: This could be broadened to
5 cover the matter of registration, absentee voting, et
6 cetera.

7 DR. BURDETTE: It could be phrased in a more
8 palatable fashion, I don't like this language for pure
9 palatability but if it says nothing in this article
10 would be deemed to deny political subdivisions power to
11 govern local elections under home rule provisions or
12 some such thing as that --

13 THE CHAIRMAN: Or go ahead and provide the
14 things we say the Legislature should provide in Section
15 5.

16 DR. BURDETTE: Exactly.

17 MR. CLAGETT: I am beginning to have doubts
18 about whether or not after the Legislature gets through
19 making its prescriptions and then you come along and
20 say that political subdivisions may make additional
21 ones whether you haven't already put a floor under them.

1 THE CHAIRMAN: Let's leave the question
2 aside until we reach Section 7. Then consider Section
3 5 for the moment as applying only to state and national
4 elections.

5 MR. MILES: I am compelled to leave. May I
6 ask one question. Will this be the final report of the
7 Committee Legislature?

8 THE CHAIRMAN: No.

9 MR. MILES: There will be further opportunity
10 for discussion of the provisions?

11 THE CHAIRMAN: Yes, except, of course,
12 tentative approval means they are not going to be
13 restudying it now.

14 MR. MILES: I know, I share the views of
15 a number of people here. I think the Committee is making
16 a great mistake in this provision about necessity of a
17 person not being a resident of the county or Legislative
18 District which he represents. I doubt it will ever go
19 through the constitutional convention and maybe for that
20 reason, I shouldn't be concerned about it.

21 Whatever we recommend, we are going to

1 recommend what we really hope and believe the convention
2 should do. I think this is going to develop a lot of
3 opposition to the report of the Convention Commission.
4 I would like to be privileged to send a memorandum to
5 the members of the Committee elaborating somewhat on
6 my views. I am quite taken aback by some of the
7 actions.

8 THE CHAIRMAN: That would be desirable. Go
9 ahead and do it. The Committee can consider it and
10 decide what, if any, action they want to take.

11 MR. MILES: Thank you.

12 DR. BURDETTE: I might suggest Mr. Miles
13 consider putting in his memorandum now not only the
14 problem of getting accepted but also deal with the
15 question of merit. I voted against Mr. Miles on this
16 point, not against his position, ruling out what I thought
17 was politic and all that. Maybe I shouldn't but I did
18 it on the ground I would be glad to have Mr. Miles
19 represent Montgomery County if we didn't have a better
20 man.

21 MR. MILES: My memorandum will go to this.

1 I don't believe in this. Second I don't believe any
2 of us have considered very deeply the political implica-
3 tions of this.

4 THE CHAIRMAN: Let's have it understood you
5 will send such a memorandum.

6 Back on the consideration of Section 5 with
7 the understanding that we are considering it as applied
8 only to state and national elections. Is there any
9 further discussions?

10 MR. GENTRY: Mr. Chairman, I would like to,
11 since Professor Asper is here -- he worked with us on
12 this section 5 -- I would like to ask him if that is
13 in accordance with what his thoughts were in the
14 drafting of this, that this section 5 only applied to
15 state and national and not in any way as to a uniform
16 system of registration or any other respects to local
17 elections.

18 PROFESSOR ASPER: I didn't think there was
19 any doubt about it.

20 THE CHAIRMAN: He intended to apply to state
21 and national elections and not to municipal elections.

1 MR. SAYRE: The word uniform would be fine,
2 wouldn't it?

3 THE CHAIRMAN: That wasn't the question. If
4 you will look at Section 5, it was suggested and the
5 Committee accepted the addition of the word uniform
6 before system in the third line, leaving aside for the
7 question of whether this would have the effect of making
8 it applicable to municipal elections. Do you have any
9 objection to the use of the word uniform still thinking
10 of it as state and national election?

11 PROFESSOR ASPER: No, I think anything done
12 on a state-wide basis setting up election procedure
13 would be okay.

14 MR. SAYRE: I think it isn't true necessarily
15 that the word uniform makes it constitutionally necessary.

16 THE CHAIRMAN: Makes what constitutionally
17 necessary?

18 MR. SAYRE: To have the state or congress
19 manage the same way in all counties and subdivisions.

20 MR. CLAGETT: In other words, the act could
21

1 not provide one thing for Prince Georges and something
2 else for Montgomery.

3 THE CHAIRMAN: He said he has no objection
4 to the use of the word uniform. The word uniform has
5 been added by the Committee accepted by the Committee.
6 Is there any further discussion of the section subject
7 still to the limitation that it does not apply except
8 to state and national elections .

9 THE CHAIRMAN: Ready for the question on
10 Section 5? All those in favor signify by saying aye.
11 Contrary, no. So ordered. Section 6.

12 MR. RUSSELL: Date of elections. Elections
13 for state offices shall be held the Tuesday next after
14 the first Monday in November in the year 1970 and on
15 the same day every even year thereafter.

16 This reflects the feeling of the Commission
17 at the May 16 meeting.

18 DR. BARD: Wouldn't you need a change in
19 that in light of the lost cause earlier?

20 DR. BURDETTE: I see your trouble. We are
21 not electing state officers. We are having a national

1 election.

2 DR. BARD: This is election for state officers
3 shall be held on the Tuesday next after the first Monday
4 in November in the year 1970.

5 THE CHAIRMAN: The only ones we specifically
6 considered were members of the Legislature, every four
7 years. Is any other Committee considering anything
8 more frequent?

9 MR. MARTINEAU: Judges will be up for
10 election every two years after they have been in office
11 two years. There will be judges on the ballot every
12 two years.

13 MR. MELVIN: I wonder why it is necessary
14 to go further than the word November. Won't the time
15 of the election be determined by the terms that might
16 be set forth?

17 THE CHAIRMAN: Not necessarily. Sometimes
18 provisions of the constitution work the other way around.
19 They shall hold office until the next election. If
20 you made it every year, for instance, you would be
21 shortening the terms. You have to specify frequency.

1 Mr. Martineau's point is well taken that under the
2 existing constitutional provision as to judges you would
3 need an election every two years.

4 MR. GENTRY: Why would you need them
5 every two years for judges?

6 THE CHAIRMAN: You wouldn't need them but
7 a judge instead of holding office two years on appoint-
8 ment could hold office four years.

9 DR. BURDETTE: Let me raise a couple questions
10 if I may, Mr. Chairman. Of course, I said at the last
11 meeting we discussed this that this is a reflection of
12 Congressional law which fixes this time as the period
13 in which members of Congress would be elected. If we
14 should have in the next decade a four-year term for
15 members of Congress, this might become passe. I
16 wondered if we ought to use --

17 THE CHAIRMAN: Would it in view of the
18 election of a third of the Senate every two years?

19 DR. BURDETTE: You are correct, it would
20 not save for the fact that every now and then, I guess,
21 every six years we don't have one as we don't have one

1 this year. If it didn't happen to fall every six years,
2 we wouldn't necessarily have to elect a Senator. I
3 wonder if we can preserve the constitution until the
4 Legislature should by law fix another date.

5 THE CHAIRMAN: This wouldn't meet Mr.
6 Martineau's point.

7 DR. BURDETTE: I realize that. I will speak
8 on that by asking the legal profession here what is meant
9 by the term general election? I think that is just
10 at times in the present constitution and doesn't talk --
11 if we bring anything to referendum, it comes up at the
12 next general election. What does that mean?

13 THE CHAIRMAN: Does not necessarily mean
14 state elections.

15 DR. BURDETTE: It does mean state-wide though?

16 THE CHAIRMAN: Yes.

17 JUDGE ADKINS: Could we solve this by inserting
18 the words election for state officers, unless otherwise
19 provided herein, shall be held? It seems to me we
20 can solve this dilemma by inserting the words for state
21 officers, except as otherwise provided herein, that in

1 judicial article provide that they should be elected
2 at the first state-wide election, which, I think, is
3 now the language, occurring more than one year after
4 their appointment.

5 MR. RUSSELL: At the last meeting, the
6 Commission rejected language used as otherwise herein
7 provided.

8 JUDGE ADKINS: I wasn't at the last meeting.
9 I withdraw my statement.

10 THE CHAIRMAN: The idea being we ought not
11 to have to hunt around the constitution to find the
12 otherwise provided.

13 MR. CLAGETT: Section 5 takes care of the
14 time, place, and manner of election through act of the
15 General Assembly. Why do we now take care of the problem
16 of date? Why not leave the whole matter to the General
17 Assembly and insert the word date before time in Section
18 5?

19 MR. GENTRY: In answer to that question, we
20 now have a provision which, I believe, is going to be
21 deleted in the declaration of rights that elections

1 should be frequent. We were told it was unnecessary,
2 it was explained, I agree it was unnecessary, to provide
3 for a vague term such as frequent elections when you
4 could spell it out and say elections should be every
5 two or four years, whatever decided.

6 THE CHAIRMAN: If you left it to the Legisla-
7 ture, a given Legislature might decide it was inexpedient
8 to have an election for a little while and maybe post-
9 pone it eight or ten or twelve years.

10 MR. CLAGETT: It is possible but there are
11 a lot of other things in here they could do also.

12 THE CHAIRMAN: This is the vital question
13 of their own election.

14 DR. BURDETTE: Huey Long did just that in
15 Louisiana.

16 MR. SAYRE: When we say state officers, do
17 we mean Congressmen as well?

18 THE CHAIRMAN: No.

19 MR. CLAGETT: Clerks of Court.

20 THE CHAIRMAN: To save time, I can see that
21 it might be dubious expediency to change this now from

1 two to four years. Yet we might end up wanting to provide
2 it for four years or might not. Would it be desirable
3 to approve this tentatively but flag it when we have
4 the other parts of the constitution assembled to recheck
5 and see whether it makes sense then to leave this
6 every two years? Is that acceptable?

7 MR. RUSSELL: Yes.

8 THE CHAIRMAN: With that understanding then
9 the question is on the approval of Section 6. Those
10 in favor indicate by aye. Contrary, no. Tentatively
11 approved.

12 Section 7.

13 MR. RUSSELL: Elections in Political
14 Subdivisions. Nothing contained in this Article
15 shall be deemed to deny to political subdivisions the
16 power to prescribe additional qualifications for voters
17 offering to vote in local elections.

18 This was the subject matter of a great deal
19 of discussion at the last Commission meeting and it is
20 really offered in the same form/^{it}originally was. I
21 move its adoption. This is consistent with hopefully the

1 proposed recommendation of Mr. Clagett's Committee for
2 mandatory home rule and it would be consistent with
3 that recommendation.

4 THE CHAIRMAN: Professor Asper, it was
5 suggested before you got in the room it might be clarify-
6 ing to amend Section 7 by broadening it specifically
7 to cover the things specified in Section 5, as within
8 the province of the General Assembly for state and
9 national elections to make it clear that all those
10 matters are within the province of the local subdivision
11 in matters of local elections.

12 If you have any comment on that --

13 PROFESSOR ASPER: I don't have any particular
14 objection to that. I don't think it covers, however,
15 the matter which is specifically covered in Section 1.
16 That is, length of residence in the municipality.

17 THE CHAIRMAN: I didn't mean to substitute
18 five or seven. Additional. Add to Section 7 the things
19 that are in Section 5 so that there is no doubt but
20 that the local subdivision in addition to the power to
21 prescribe additional qualifications also has the power

1 to provide a system of registration nominations, et
2 cetera.

3 MR. RUSSELL: Spell it out that the power
4 the local subdivisions does have complete autonomy
5 by itemizing Section 5.

6 MR. GENTRY: Would the Commission go for a
7 provision which would read nothing contained in this
8 article shall be deemed to deny to political subdivisions
9 the power to provide for suffrage and elections in
10 local elections? This would cover broadly the title
11 of our whole article, suffrage and elections.

12 THE CHAIRMAN: I take it what Professor
13 Asper is saying is that provisions of Section 1 are
14 nevertheless mandatory on the political subdivision,
15 twenty-one year age. Isn't that right?

16 MR. RUSSELL: Political subdivisions couldn't
17 lower the voting age for local elections?

18 THE CHAIRMAN: Not as written.

19 DR. BURDETTE: Mr. Gentry's wording would
20 permit it.

21 MR. CLAGETT: I am not too sure we want them

1 to abandon some of these more or less fundamental
2 things. Nineteen and eighteen years of age may be all
3 right from some points of view but not from others.
4 All this does is set a minimum standard and say that
5 you have to abide by this insofar as age is concerned
6 but not necessarily insofar as residence and not
7 necessarily insofar as other qualifications as may be
8 prescribed by the Legislature in Section 5. Section 5,
9 as I understand it, as we voted on it, is specifically
10 limited to state and national elections. So the
11 prescriptions of the Legislature in Section 5 would not
12 apply clearly but as they are set forth in Section 1
13 and so forth they would merely be minimums but not
14 subject to change.

15 PROFESSOR ASPER: Perhaps I should draw
16 back on that. The purpose in most discussion here is
17 to give you the history of this particular problem in
18 the Maryland Court of Appeals. That is that the
19 Maryland Court of Appeals has without exception taken
20 the position since not too long after enactment of the
21 constitution of 1867 that this Section 1 of the present

1 constitution simply does not apply to local elections.
2 It doesn't apply. It only applies to state-wide elec-
3 tions.

4 THE CHAIRMAN: Let me state a proposition
5 and see if this is the sense of the meeting. I thought
6 it was. That the minimum provisions of Section 1
7 would be applicable in local elections but that the
8 municipalities would have the power to prescribe
9 additional qualifications and also would have the power
10 to determine locally a system of uniform registration
11 of voters and provide for nomination of candidates,
12 regulate time and place of elections, and other
13 things mentioned in Section 5. Is that generally the
14 sense of the Commission?

15 JUDGE ADKINS: There are areas, for
16 example, Ocean City, where I suspect 80 per cent of the
17 votes cast there are cast by people who do not live
18 within the town. They do, however, own the minimum
19 prescribed amounts of property and, as a result, by city
20 charter, are allowed to vote. As I understand it, if
21 Section 1 applies, that system would no longer be

1 permitted to prevail and the Town of Ocean City, people
2 owning property there, residing in Baltimore, would no
3 longer be able to vote in Ocean City as they now are.

4 THE CHAIRMAN: That is true.

5 MR. RUSSELL: If Section 1 applies, it would.

6 JUDGE ADKINS: I don't contemplate that
7 should apply because I think this is a healthy condition
8 for Ocean City.

9 THE CHAIRMAN: I thought Section 7 was
10 merely authorizing the municipality to prescribe addi-
11 tional qualifications and not do away with the minimum.
12 It seems to me this is a section that perhaps should
13 be reconsidered by the Committee but, I think, the
14 Committee ought to have the sense of the meeting and
15 perhaps more accurately than we expressed it hereto-
16 fore and maybe the best way to do this is by taking it
17 up in pieces. So suppose I pose several questions
18 and see if we can get at it this way.

19 First the question of whether or not in
20 municipal elections the minimum age should be twenty-
21 one years. A vote aye is a vote yes. A vote no would

1 permit the municipality to prescribe any age. Ready?
2 All those in favor of the absolute minimum of twenty-one
3 years of age for voting in municipal elections signify
4 by saying aye. Contrary, no.

5 DR. BURDETTE: Do I understand you correctly?
6 I voted no on the ground I wanted to leave it to the
7 municipality. I voted no correctly.

8 JUDGE ADKINS: I vote no too on that basis.

9 THE CHAIRMAN: Maybe we should do it again.
10 A vote aye is the vote that minimum age is twenty-one,
11 a vote no would leave to the municipality the question
12 of whether to use age twenty-one, eighteen or twenty-
13 six. Those in favor signify by saying aye. Contrary,
14 no. Let's have a show of hands. Ayes. Noes. The
15 noes were louder than their numbers would justify.

16 The next question, I take it, would be the
17 question of minimum residence in the legislative
18 district. A vote aye means that -- first of all, a
19 minimum residence in the state. Take that separately,
20 six months. A vote aye means that the minimum residence
21 of six months in the state is a requisite. A vote no

1 that the municipality can dispense with it.

2 MR. SAYRE: I would like to raise this
3 question. If I interpret Section 1 saying residence
4 of the state six months, legislative district three months,
5 if that were meant to be the standard set by the
6 state unless reduced by the locality, I don't know if
7 we are voting that way.

8 THE CHAIRMAN: I had been putting it on the
9 question that the six months in the state as one
10 basis and the opposite that the municipality can increase
11 or decrease. If you want a third one, we can put that
12 in.

13 MR. SAYRE: Could I raise it where the
14 state says?

15 THE CHAIRMAN: We are only voting on
16 municipalities.

17 MR. SAYRE: I would like to insert wherever
18 you want to put it where the locality could consider a
19 lesser period than the state-wide standards.

20 THE CHAIRMAN: That is exactly the effect of
21 a no vote.

1 A vote aye would mean that in municipal
2 elections a residence of six months in the State of
3 Maryland is requisite. A vote no means that a munici-
4 pality can establish any residency requirement it wants
5 or none at all for municipal elections. Talking only
6 about municipal elections.

7 MR. SAYRE: Does this mean you could go
8 higher than three months?

9 THE CHAIRMAN: Not talking about the three-
10 month provision. Talking about state residence
11 but in only municipal elections. Ready? Those in
12 favor signify by saying aye. Contrary, no. In doubt.
13 Ayes signify by show of hands.

14 MR. SAYRE: Ayes stand for what now?

15 THE CHAIRMAN: Ayes stand for municipal
16 elections having a requirement of six months residence
17 in the state. Municipal elections, must be a resident
18 of the state six months to vote. I could vote in Ocean
19 City elections if I were a resident of Baltimore City
20 for six months.

21 DR. BURDETTE: If they let you in Ocean City.

1 MR. CLAGETT: Prince Georges and Montgomery
2 seem to be allied in this vote which is why we have a
3 peculiar problem.

4 THE CHAIRMAN: All of this is only in municipi-
5 pal elections. A vote aye means you favor the municipality
6 not being able to change the six months residence in
7 state requirements. A vote no means the municipality
8 can do whatever they please. Those in favor signify
9 by raising hands. Opposed. That means that the
10 municipality controls this question.

11 The next question is residency in the
12 legislative district. A vote aye means that the
13 requirement cannot be changed by the municipality as
14 three months residence in the legislative district, a
15 vote no means a municipality can do whatever it chooses.
16 All those in favor raise their hands. Contrary?
17 All right. That is defeated 14 to 4. What this
18 means, as I understand it, is that as to the Section
19 1 requirements we have said, one is mandatory in municipi-
20 pal elections, that is age twenty-one, rest is left
21 entirely to the municipality.

1 Let's do the same thing with Section 5 provi-
2 sions. In municipal elections the municipalities have
3 the right to determine. A vote no means the municipality
4 cannot determine that it would be up to the Legislature.
5 Are we clear on this? This is the converse of what we
6 just did. A vote aye means the municipality has power
7 to regulate the various things I put to you. A vote
8 no means the municipality does not have the power, the
9 Legislature does. That the municipality shall determine
10 legislative districts. Those in favor raise their
11 hands. Legislature shall determine the legislative
12 district.

13 MR. BROOKS: Seventeen to two.

14 THE CHAIRMAN: Carried by seventeen to two.
15 Municipality determines district. A vote aye on the
16 next one which is residence would mean that the munici-
17 pality defines residence, a vote no that the Legislature
18 defines residence for municipal elections. All in
19 favor raise your hands. Contrary. Seventeen to one
20 in favor.

21 Next is establishing the uniform system of

1 permanent registration of voters.

2 MR. SCANLAN: Could I ask a question? If
3 we voted aye to approve the municipality having the
4 authority to establish a permanent registration of
5 voters, would that include power to impose property
6 qualifications?

7 THE CHAIRMAN: Yes, sir. We have already
8 given them that power by the other votes. Those in
9 favor signify by saying aye.

10 MR. CLAGETT: What is this?

11 THE CHAIRMAN: Uniform system of registra-
12 tion for municipal elections. Vote aye means municipality
13 has the power, vote no means legislature has power.
14 Aye. Contrary, no.

15 Show of hands on aye. Show of hands on no.
16 Motion is carried fourteen to four.

17 On nomination of candidates a vote aye means
18 municipality has the power, no the legislature has the
19 power. Show of hands on aye. No. Eighteen to one
20 in favor.

21 The next on regulating the time, place, and

1 manner of elections. Vote aye gives power to municipality,
2 vote no to Legislature. Show of hands on aye. All
3 this is municipal elections. No. Nineteen to nothing.
4 It is carried.

5 To provide for administration of elections
6 and for absentee voting. A vote aye gives power to
7 the municipality. Show of hands. Contrary. Fourteen
8 to three, carried.

9 To insure secrecy of voting and protect the
10 integrity of the election process a vote aye power
11 in municipality, no power in the Legislature. Show of
12 hands on aye. No. Motion is carried eleven to eight.

13 DR. BURDETTE: I voted aye only on the
14 ground that the municipality is being trusted to
15 administer. There is a distinction there in terms of
16 what the Judge just said as to basic constitutional
17 right. I think basic constitutional right should be
18 observed but, I think, the municipality can be entrusted
19 to observe it.

20 MR. SCANLAN: I would think, for instance,
21 suppose the General Assembly some day requires voting

1 machines throughout the state. In voting aye for this,
2 I would be saying a municipality could elect by paper
3 ballot.

4 THE CHAIRMAN: That is correct, so long as it
5 preserved the secrecy.

6 MR. SAYRE: My basic dilemma was the state
7 constitution should provide the absolute mandatory
8 requirements that everyone has to abide by from the
9 most local precinct up to the county or whatever level,
10 that any additional requirements established by the
11 municipality or county in addition but not restricting
12 in the sense that it is depriving you of due process
13 and your voting privileges that they may add on such
14 as different voting machine gadgets or whatever. I
15 am not sure any of these votes meant what I was trying
16 to vote on.

17 MR. SCANLAN: That's what I figured.

18 MR. GENTRY: Because of the strange drafting
19 problem you have left to the Committee, as I understand
20 it now, the only thing we are reserving for state action
21 is the age twenty-one, is that correct?

1 THE CHAIRMAN: No, I don't think that's
2 necessarily correct.

3 MR. GENTRY: That's what I got.

4 THE CHAIRMAN: There is a provision, for
5 instance, that you must have a secret ballot and the
6 municipality can't do away with it. It may have it by
7 means of a paper ballot, not by voting machine, but it
8 must be a secret ballot.

9 DR. BARD: Key word is insure.

10 MR. RUSSELL: We are to redraft Section 7.

11 THE CHAIRMAN: You are to redraft Section 7
12 in light of comments and instructions and submit it
13 again.

14 PROFESSOR ASPER: May I interject one
15 comment? I am beginning to regret I ever put Section 7
16 in. I think if we left it out entirely, the provision
17 would remain exactly as it is now as far as municipal
18 elections are concerned.

19 THE CHAIRMAN: You might come to that
20 conclusion when you report it back.

21 MR. SAYRE: In view of this startling outcome

1 of where the locality may do almost anything it wants,
2 I would like to add the additional requirement state-wide
3 that there be a minimum of seven years in which all
4 voting records will be maintained. That is, the
5 results.

6 THE CHAIRMAN: You mean put in the constitution
7 a minimum?

8 MR. SAYRE: Yes, read something like this.
9 That there shall be maintained by the state for a minimum
10 of seven years and shall provide that all the voting
11 records -- that is who was the voter, who was registered,
12 the vote outcome.

13 THE CHAIRMAN: Talking only about municipal
14 elections?

15 MR. SAYRE: All elections, local and state.

16 THE CHAIRMAN: You are talking about this
17 as a constitutional provision, not merely that the
18 Legislature shall prescribe?

19 MR. SAYRE: That is correct. It can be
20 tossed out but I submit it.

21 THE CHAIRMAN: Are you submitting it for the

1 Committee to consider?

2 MR. SAYRE: Yes, I would rather submit it for
3 the Committee to consider.

4 THE CHAIRMAN: I believe that concludes
5 presentation of your report.

6 (After recess.)

7 THE CHAIRMAN: May we come to order. We want
8 to go back to a consideration of the report of the
9 Legislative Department. I want to say I have given
10 so many commitments now that the hour of adjournment
11 will not be past five and hopefully before that I will
12 make not the slightest effort to take up another report.

13 DR. BARD: Recommendation Seven we virtually
14 have passed, I think. Elections for members of the
15 Legislature shall be held in even numbered years. I
16 think this would still hold. That's Page 9.

17 DR. BURDETTE: Not every even number year.

18 DR. BARD: We haven't said every one. Defeat
19 of the staggered system took care of that. It still
20 holds true that it is even numbered, not odd numbers.

21 DR. BURDETTE: It carries inference with a

1 vacancy in the Legislature you will have an election to
2 fill the vacancy. If you want it every four years, you
3 have to say 1970, 1972 and every four years thereafter,
4 something like that.

5 DR. BARD: The amendment would now be in
6 order considering what was done with the staggered
7 system.

8 THE CHAIRMAN: Except for the fact that
9 considering what we did on the other report, we
10 tentatively approved the idea of elections every two
11 years.

12 DR. BARD: This would conform with that.

13 THE CHAIRMAN: Yes. Leaving the question
14 of whether you elect to fill vacancies in the off years
15 or not. That would be off years in which there isn't
16 election.

17 MRS. FREEDLANDER: Do we need this provision
18 under suffrage and elections?

19 THE CHAIRMAN: You probably wouldn't need
20 this as a separate provision.

21 DR. BURDETTE: You are right. I realize this

1 is highly desirable. We would fill legislative vacancies.
2 I think it is a shame for the Governor to make appoint-
3 ments to Legislature on nomination of the State Central
4 Committee of the party in power for three years.

5 MRS. FREEDLANDER: This could be eliminated.

6 THE CHAIRMAN: This is put in as a principle
7 and not as a section. I take it in view of the
8 action on the similar provision of the Committee on
9 Elective Franchise, we don't need to act on this provi-
10 sion. Go ahead.

11 DR. BARD: Vacancy in Legislature should be
12 filled in such manner as provided by law or if no provi-
13 sion has been made by law for the filling of vacancies
14 at the time such vacancy occurs by appointment by the
15 Governor for the unexpired term, such appointment to
16 be made of a person of the same political affiliation
17 as the Delegate or Senator vacating the seat in question.
18 That does leave out the present requirement which brings
19 the State Central Committee into the picture as you
20 will remember.

21 DR. BURDETTE: It leaves out something else.

1 I see no objection to leaving out State Central Committee
2 myself but what I think is too bad is instead of saying
3 if no provision is made to fill the unexpired term for
4 such portion of the unexpired term until -- so that if
5 someone in the Legislature died in 1967, that in the
6 '68 election someone be elected for two years instead
7 of letting the Governor's appointee serve nearly three
8 years.

9 DR. BARD: We feel the law could take care
10 of that and it is unnecessary to put it in the constitu-
11 tion.

12 DR. BURDETTE: I agree but you put in a
13 clause if there is no law this fellow serves three
14 years if a vacancy turns up in the first year.

15 DR. BARD: I don't see the contradiction.

16 THE CHAIRMAN: Dr. Burdette's point is your
17 second limitation providing for appointment by the
18 Governor should be appointed by the Governor until the
19 next general election which in effect would require
20 the Legislature to elect to fill vacancies.

21 MR. MARTINEAU: Why not leave it up to the

1 Legislature?

2 DR. BURDETTE: My answer is that the tradi-
3 tion in the Legislature here is to let delegations do
4 what they want while, I think, in the case of vacancies,
5 the people should do what they want when they are going
6 to have an election anyhow.

7 MR. MARTINEAU: This would be covered by
8 general law. This wouldn't be a law that would have to
9 be passed every time a vacancy occurs.

10 DR. BURDETTE: That is right.

11 MR. SAYRE: Says if not provided by law.

12 THE CHAIRMAN: To get somewhere on it maybe
13 it would be desirable to split the question. If I
14 understood, Dr. Burdette, did you mean as to the first
15 part of your comment that you are willing to leave it to
16 the Legislature to provide the means of filling
17 vacancies and whether it should be until the next
18 election or until the end of the term?

19 DR. BURDETTE: I would not recommend that
20 because I am afraid of what the Legislature would do
21 would be decide to fill vacancies by election by the

1 Legislature. I don't think that ought to be permitted.

2 THE CHAIRMAN: Your point is whether the
3 vacancy is filled in manner provided by law or
4 filled by the Governor it should be filled only until
5 the next election?

6 DR. BURDETTE: Yes, I would provide that
7 the vacancy be filled by the Governor with a person from
8 the same political party and the person should serve
9 that part of the unexpired term terminating at the next
10 general election.

11 MR. SMITH: Suppose it is only a week
12 until the next general election?

13 DR. BURDETTE: Probably wouldn't appoint him.

14 THE CHAIRMAN: Mr. Mindel.

15 MR. MINDEL: Suppose the vacancy occurs
16 a week before the election. The answer was the Governor
17 would probably hold off until after the election to
18 make the appointment. He would serve until the next
19 election.

20 DR. BURDETTE: You are right. I am trying to
21 adopt exactly the situation we have in the United States

1 Senate in which it is not anybody but the people who
2 as soon as they conveniently can, next general election,
3 determine who is going to represent them in the Senate.
4 I think the same thing should happen in our Legislature.

5 THE CHAIRMAN: Mr. Smith, you had a comment.

6 MR. SMITH: I forgot what it was.

7 THE CHAIRMAN: To have something to act on,
8 Dr. Bard, in light of the discussion, do you stand on
9 the Committee's report or desire to make any change?

10 DR. BARD: I think I would stand on the
11 Committee's report though I would say we did discuss
12 this. You might bear in mind the fact that for a while
13 an unexpired term could be filled out rather easily
14 under a staggered system because you would have one
15 coming up rapidly. This is one reason we didn't come
16 to grips with the very point which Dr. Burdette raised.

17 MR. SCANLAN: I think Dr. Burdette's objec-
18 tion is grounded on a distrust of the Legislature that
19 the Legislature will act in a selfish way, that the
20 Legislature will not pass a vacancy law that makes sense.
21 If I shared that distrust of the Legislature, I would

1 vote along the lines suggested.

2 DR. BURDETTE: That's not my reason. I am
3 thinking of the present situation in Prince Georges
4 County which largely turned up in the last two years.
5 Suppose it turned up nearly four years ago. I simply
6 think it is a shame that a State Central Committee and
7 Governor of Maryland decided for the people of Prince
8 Georges County which, to be frank about it, which
9 faction of the Democratic Party is going to represent
10 them. Let them decide.

11 MR. SCANLAN: What makes you think the new
12 Legislature will pass a statute that perpetuates the
13 system now in the constitution? They followed the
14 constitution now. These detailed provisions are in the
15 constitution as to how to fill a vacancy, State Central
16 Committee, all that.

17 DR. BURDETTE: I wouldn't run the risk.
18 I am speaking for popular election. I would put in the
19 constitution you have a popular election on the subject
20 of vacancies soon as you can.

21 THE CHAIRMAN: To have something before us

1 specifically, Dr. Bard, says the Committee stands on
2 its recommendation. Do you want to make a motion?

3 DR. BURDETTE: I don't really suggest any-
4 thing but that the committee consider it.

5 MRS. BOTHE: I want to clarify Dr. Bard's
6 answer as to where the Committee stood because after
7 saying he stood on it, he qualified by saying considera-
8 tion of the Committee was based on a two-year term or
9 new election coming and I would be satisfied perhaps
10 to leave it to luck or the Legislature for two years
11 but not for four.

12 DR. BARD: I think Dr. Burdette's point --
13 I am speaking personally rather than for the entire Committee.
14 Mr. Chairman -- Dr. Burdette's point has a good deal of
15 merit in terms of consideration. I speak for my own
16 position alone. I would like to have it go back to
17 our Committee for review. This is what is suggested.

18 THE CHAIRMAN: Point Eight is recommitted
19 to the Committee for further consideration and study.

20 Nine, composition of Legislature.

21 DR. BARD: Number of members of the

1 Legislature shall be as prescribed by law and until
2 reapportionment of the Legislature is required by the
3 1970 census number of Delegates shall not exceed 142 and
4 number of Senators shall not exceed 43. Let's take
5 this part alone. What we are saying here is that the
6 number of members of the Legislature shall be exactly
7 as they are now and we felt that it would be all wrong
8 to make any changes until after the 1970 census.

9 After reapportionment following the 1970
10 census, the number of Senators shall be not more than
11 43 and the number of Delegates shall be not more than
12 150.

13 There is some background to all this. You
14 should know that a minority of the Committee favored a
15 house of 129 at most after 1970 and the possibility of
16 going back to 29 members of the Senate rather than
17 43. So that our Committee itself was decided in respect
18 to what should happen after 1970. However, the majority
19 did favor the recommendation that is noted here.

20 As to what should happen between now and
21 1970, we were unanimous or pretty nearly so in connection

1 with keeping it as it is.

2 There are two, this recommendation can be
3 divided in two parts. What occurs until the 1970
4 census has been considered and then what occurs after
5 that.

6 JUDGE ADKINS: May I ask why the Committee
7 feels so strongly that 43 and 150 are the magic figures?
8 I realize they are current figures but why do you feel
9 they are magic figures?

10 DR. BARD: The Committee was of the opinion
11 that the Senate should be roughly one-third as large
12 as the House and the feeling was that if you ran it up
13 to 150, this was the feeling of the majority, if you
14 ran it up to 150, you might be able to get at least
15 in 1970 each county to have one delegate. A minority
16 group, however, felt you would have to run it up to a
17 figure much above that. Dr. Winslow, what figure did
18 we think you would have to run it up to?

19 DR. WINSLOW: About 200.

20 DR. BARD: For that reason, we felt the
21 rationale in that was not tenable. However, this was the

1 view.

2 MR. MELVIN: May I ask a question, Mr.
3 Chairman? I direct this to Al Scanlan. He is probably
4 more knowledgeable than most on this subject. What is
5 the present law as to how any changes are to be made
6 in the numbers? Does the present law, the one that
7 provides for 142 in one House and 43 in the other, provide
8 a formula for increasing it.

9 MR. SCANLAN: Yes, it has a formula. Not
10 on the Senatorial district but on the House side there
11 is a formula but by guaranteeing each at least one,
12 each county one member of one, it in effect places
13 limitation on the formula. The formula is called the --
14 where is our statistician -- formula of equal propor-
15 tions. In effect, it is misleading because there is a
16 minimum that can't be disturbed. Therefore, in
17 practical effect it means that it will stay the way it
18 is.

19 THE CHAIRMAN: Or increase.

20 MR. SCANLAN: Or increase.

21 MR. MELVIN: The Committee is essentially

1 recommending the present provisions of the law.

2 DR. BARD: Until after the 1970 census has
3 been taken into consideration. That might be the
4 election of 1974. Then in 1974 it might be necessary
5 to upgrade the House of Delegates to 150.

6 MR. CLAGETT: That would still maintain one
7 representative for each?

8 MR. MARTINEAU: You can't keep that.

9 MR. CLAGETT: Would that still maintain the
10 minimum requirement under the 142 where you have one,
11 at least one?

12 DR. BARD: We think this would be prescribed
13 by law. It might. Actually when you get to the next
14 point, legislative districts, Recommendation Ten, in
15 answer to your question, I would say some of us felt
16 it would not. The very point that is concerning you,
17 Mr. Clagett, concerned some of us. That it would not.

18 On this particular recommendation, Recommenda-
19 tion Nine, we feel that there is a possibility that
20 it might. By we, I mean the Committee.

21 THE CHAIRMAN: Any further question or

1 discussion?

2 DR. BARD: I would recommend that we discuss
3 this in its two parts, Mr. Chairman. What we do until
4 the 1970 census is considered which would mean up to
5 the election of 1974, and then after that the last
6 sentence in that recommendation deals with --

7 THE CHAIRMAN: The question will arise on
8 the approval of the first sentence of the recommendation,
9 that the number of members shall be as prescribed by
10 law and until reapportionment under the 1970 census,
11 number of delegates shall not exceed 142 and number
12 of Senators shall not exceed 43. Ready for the question?
13 All those in favor signify by saying aye, contrary, no.
14 So ordered.

15 Now the next question arises on the second
16 sentence that after reapportionment following the 1970
17 census, the number of Senators shall be not more than
18 43 and number of Delegates not more than 150.

19 MR. CLAGETT: Why is it necessary to make
20 any provision for the increase?

21 THE CHAIRMAN: This would still mean, the
second sentence, shall be as prescribed by law subject

1 to --

2 DR. BARD: That is right, it should be
3 restated in the second sentence. After reapportionment
4 following the 1970 census, number of members of the
5 Legislature shall be as prescribed by law and then the
6 rest of it continues, number of Senators. We would have
7 to insert that clause again.

8 MR. SCANLAN: The feeling was by adding
9 seven to the House, raising the ceiling, there would
10 be some chance that each county would have at least one.
11 This is debatable. That is why the seven were put in
12 there. I think some of the Committee members feel
13 even with 150 there will come a time when not every
14 county would be entitled to a seat in the House of
15 Delegates. This was an attempt to try to accommodate
16 each county but at the same time without making the
17 House unmanageable in size. I think that is it.

18 DR. BARD: That is correct.

19 THE CHAIRMAN: Further questions?

20 MR. SAYRE: Would the provision to the House
21 of Delegates apply in a unicameral Legislature if we came

1 up with that?

2 DR. BARD: No.

3 THE CHAIRMAN: I am not sure I follow the
4 question.

5 MR. SAYRE: We are talking here about a two-
6 House body. I am suggesting that we be able to pass
7 on the same House of Delegates number to a unicameral
8 Legislature.

9 THE CHAIRMAN: You mean the number of 150
10 maximum?

11 MR. SAYRE: Yes.

12 THE CHAIRMAN: Is that acceptable?

13 DR. BARD: I think so. I believe our
14 Committee members stated a number of times it might.
15 We have not given this serious thought.

16 There was a suggestion, viewpoint within the
17 Committee, that after the 1970 census, there would
18 then be an opportunity to take a position that was more
19 tenable and to create smaller bodies, whether they be
20 unicameral or not. However, this so called minority
21 viewpoint was not accepted by most members of the

1 Committee.

2 JUDGE ADKINS: I feel very strongly about
3 this question of representation at least one from each
4 county. I realize the problem of getting too large
5 a group but it seems to me we should not arbitrarily
6 set limits which foreclose the possibility of a
7 solution to that problem at this time. I don't see why
8 that question can't be debated in the forum of the period
9 with the 1970 census figures before us and not establish
10 limits now which can possibly foreclose the question
11 from a constitutional point of view. I think there
12 is no magic in 150 opposed to 43. Maybe you should
13 have one for each group. I think it is arbitrary to
14 establish limits now which the Committee concedes may
15 not be enough to give one representative to each
16 political subdivision. If there were any all prevailing
17 reasons why these figures were adopted, I might feel
18 different, but I see no reason why this matter, as many
19 others, should not be left flexible to the decision
20 of the Legislature at such time as they have the facts
21 in front of them, which we do not have now.

1 THE CHAIRMAN: You move the amendment?

2 JUDGE ADKINS: I move the amendment of the
3 report to simply provide that after reapportionment --
4 I don't really think that's necessary because I think
5 it goes with it -- what I would do would not impose a
6 limit as the result of the 1970 census, I would give
7 the Legislature the right to reapportion itself after
8 the 1970 census without regard to any arbitrary
9 limits imposed at this time.

10 THE CHAIRMAN: Is there a second?

11 MR. MELVIN: Second.

12 DR. BARD: Might I clarify this point. If
13 that be true then, Judge Adkins, all you would need,
14 would be sentence one?

15 JUDGE ADKINS: I think that is what I was
16 thinking about.

17 THE CHAIRMAN: Any further discussion?
18 Ready for the question? All those in favor signify
19 by saying aye. Opposed, no. The ayes have it.

20 DR. BARD: Legislative districts, number ten.
21 Our recommendation is that the state should be divided

1 into legislative districts for the election of members
2 of the House of Delegates and should also be divided
3 into legislative districts for election of members of the
4 Senate. Each district to consist of compact and
5 contiguous territory within limitation because of its
6 system, county, or city lines. All of this would
7 not go into the constitution. We would have a shorter
8 statement in the constitution.

9 We would, however, if this Commission thought
10 it were advisable, include this sentence. Districts
11 should be so nearly equal in population that there should
12 not be variation in the population of each district of
13 more than 5 per cent from the mean -- or average, you
14 can add. Later on it says mean, not average. We are
15 using mean and average as synonymous but not median and
16 average as synonymous.

17 There is an error on Page 13. Somebody typed
18 this inaccurately on the fifth line from the bottom.
19 I could comment further in regard to this 5 per cent.

20 One other point. I think we covered this.
21 There should be no provision in the new constitution

1 with reference to the counting or exclusion of persons
2 teaching at or attending educational institutions.
3 Whether there should be single member districts or
4 multiple member districts should be left to the deter-
5 mination of the Legislature itself provided, however,
6 that if the Legislature were to decide upon multiple
7 member districts, there should be no more than six
8 delegates from any one district created for House
9 elections. There are two points here.

10 THE CHAIRMAN: No more than two Senators.

11 DR. BARD: That is right. Two points here,
12 I think, are significant. One that I believe would
13 not create debate. That is that each district consist
14 of compact and contiguous territory. Then this element
15 of 5 per cent variation from the mean which you may
16 want to talk to. Then secondly the matter of multiple
17 member districts. We could either set up a ceiling or
18 leave the ceiling to the State Legislature in regard
19 to the number in each multiple member district.

20 THE CHAIRMAN: You wanted to separate the
21 question.

1 DR. BARD: Three separate questions. The one
2 dealing with compact and contiguous territory, I don't
3 think, will have debate. Secondly is the one dealing
4 with variation from the mean, third the --

5 THE CHAIRMAN: Let's take up the first,
6 approval of the Committee's report as to compact and
7 contiguous district. Those in favor signify by saying
8 aye, contrary, no. So ordered.

9 The next is the recommendation that there
10 be a variation of not more than 5 per cent from the
11 mean population of each district. Any discussion?

12 DR. BURDETTE: I would allude to comment
13 made by Judge Adkins. I think I am correct that while
14 we have no absolute guide lines from the Supreme Court,
15 people are now talking somewhere about 15 per cent or
16 higher.

17 MR. SCANLAN: I was once but the District
18 Court here went far from that.

19 DR. BURDETTE: Maybe there are guide lines
20 from the District Court. I want to raise for discussion
21 whether or not Judge Adkins' point of representation of

1 every county is more important than some percentage a
2 little higher than 5. Suppose it were 7 or whether the
3 5 is more important than representation of every county.
4 And what percentage does that begin to lean one way or
5 another? I agree with Judge Adkins it is very important
6 to represent the counties, which will come about only
7 if the population proportion changes or counties coalesce.
8 I think we mustn't have too far deviation from some
9 type of average.

10 MR. SCANLAN: This means 10 per cent spread
11 at the start --

12 THE CHAIRMAN: Five per cent variation.

13 MR. SCANLAN: That is a 10 per cent spread at
14 the beginning of a reapportionment period. You just
15 had your census figures. That gives a 10-year period
16 for considerable changes. There was some feeling on
17 the Commission that 10 per cent variation, which would
18 be a 20 per cent spread, would be all right. There are
19 one or two decisions indicating 10 per cent from the mean
20 is all right. But I think the majority felt the closer
21 we could get it to the substantially equal population

1 base, the better it would be.

2 DR. BARD: One other factor in explaining
3 that is if you start out with 10 per cent spread, by
4 the time you get to the next decennial census, you have
5 at least a 20 per cent spread. This was what concerned
6 us. If you start with 20, you have a 40 per cent spread
7 toward the end.

8 JUDGE ADKINS: It seems to me this is a
9 problem which is in the process of constitutional
10 evolution. I suspect we haven't heard the last on this
11 problem from the Supreme Court, drastic as some of us
12 think their decisions have been. If we have not heard
13 the last, it seems we should not tie our constitution
14 to their latest pronouncement. Whatever the Supreme
15 Court provides, we know full well the Maryland Legisla-
16 ture has to abide by. We have been through those birth
17 pangs. It seems to me logical to leave the Maryland
18 constitution with the flexibility of developing as the
19 Federal constitutional principles develop and hence I
20 would think it unwise to tie ourselves to 5 or 15 per
21 cent or any other. We can express the general principle

1 of equality, now well ingrained in our law, but to try
2 to tie it to mathematics leaves no flexibility for change
3 in terms of Federal decisions.

4 MR. HOFF: I agree. I think that perhaps
5 we are going to be better off without a percentage
6 named in here at all. The broad statement that these
7 districts should be drawn as nearly equal as possible is
8 all right. We have other considerations such as one
9 representative from each subdivision. I would think
10 putting a percentage in there might be effective in
11 destroying whatever possibility we may have of retaining
12 the principle of each subdivision being entitled to
13 a representative.

14 MRS. BOTHE: I was going to say something
15 not as well said but to the same effect as Judge Adkins'
16 remarks. I don't see the purpose in putting a percentage
17 limitation in. Why not just leave it a mixture of
18 court decision and Legislature wisdom, taking into
19 account the desires to have representation from every
20 area of the state.

21 MR. SCANLAN: I have been through six years

1 of leaving it to the legislative wisdom and court
2 decision. There seems to be the advantage of having
3 definite guide lines and standards especially as these
4 are beginning to evolve.

5 MRS. BOTHE: I agree but in view of the
6 restrictions placed since this subject first arose,
7 I don't think it is necessary any longer.

8 THE CHAIRMAN: Judge Adkins, as I understand
9 your suggestion, I would like you to put it in the form
10 of a motion so we can act on it. It would be in effect
11 that you would say districts should be as nearly equal
12 as may be in population leaving out the phrase so that
13 there should not be a variation in the population of
14 each district of more than 5 per cent from the mean, is
15 that correct?

16 JUDGE ADKINS: I wouldn't undertake to prescribe
17 specific language. Have to be sufficiently equal to be
18 constitutionally acceptable.

19 THE CHAIRMAN: I am not trying to get the
20 language of the constitution but just the principle.
21 You want general language that they be as nearly equal

1 as may be without a percentage?

2 JUDGE ADKINS: No, I would want language
3 indicating they have to be equal enough to qualify under
4 the constitution.

5 THE CHAIRMAN: Federal constitution?

6 JUDGE ADKINS: Yes, nearly equal as possible
7 or anything else because there again we are attempting
8 to forecast the whole development in this field and
9 I don't think we have heard the last of it.

10 MR. SAYRE: Assuming that 5 per cent is not
11 going to be more than what the Supreme Court would
12 define, it would seem to me it is more appropriate for
13 us to define our own standards regardless of the
14 Supreme Court. I would hope we would set a maximum
15 whether 5 per cent or even $7\frac{1}{2}$ per cent.

16 MR. CLAGETT: I think I would like to go
17 further back into what Judge Adkins said earlier and
18 possibly in the form of an amendment provide that the
19 districts should be so nearly equal in population that
20 there should not, no, putting it differently, that the
21 districts -- let me see -- I want to preserve a

1 representative to each county and get into the preserva-
2 tion of a representative for each county.

3 THE CHAIRMAN: In the constitution?

4 MR. CLAGETT: In the constitution.

5 THE CHAIRMAN: I think that is a different
6 point from that of Judge Adkins. Maybe we better save
7 that as a separate point. Any further discussion of
8 his point?

9 DR. BARD: I would like to say that there
10 has been a good deal said about the fact that the states
11 have the responsibility in respect to carrying out
12 voter registration and in respect to voting. The
13 constitution gave this to the states. For many years,
14 the Supreme Court wouldn't touch it. Now we have said
15 all along that this is a state responsibility. Here
16 we have an opportunity to actually do something within
17 the State of Maryland about this. I would not hold
18 whether it be, I am with Mr. Sayre, 5 per cent or 7 or
19 what have you. What I would hold is for taking our
20 responsibility for clarifying what is not clear. All
21 of us who have worked in this area of redistricting or

1 reapportionment know we have had to go to the Federal
2 Government for the answers. If we can go to our own
3 state, good.

4 MR. MELVIN: It seems to me no matter what
5 we put in, what percentage, we are still going to have
6 to go to the Federal Government. I would hope that as
7 far as --

8 MR. SAYRE: Why is that? Why do we have to
9 go to the Federal Government?

10 THE CHAIRMAN: Mr. Melvin.

11 MR. MELVIN: I would hope that just that
12 first sentence under Section 10 would be enough to say
13 what we want to say as far as the constitution is
14 concerned. This is carrying out, I think, Judge Adkins'
15 intentions. I don't think it is necessary to put
16 anything further in.

17 THE CHAIRMAN: Mr. Sayre?

18 MR. SAYRE: My question is I am not sure
19 why the Federal Government -- if we are referring to
20 the Federal census, you have a question.

21 THE CHAIRMAN: I think he is referring to

1 Federal courts.

2 MR. SAYRE: If we have a stronger requirement
3 than the Federal court which is not denied by the Federal
4 court, why do we have to abide by that?

5 MR. MELVIN: We will not go without going
6 to the courts whether it is strong or weak.

7 MR. SAYRE: Why not cross that bridge when
8 we get to it, meanwhile, live with our own standard.

9 THE CHAIRMAN: Any further discussion?

10 JUDGE ADKINS: I move this report be amended
11 to delete any reference to percentages in the language
12 of the document itself.

13 MRS. BOTHE: Second.

14 MR. MARTINEAU: May I ask a question about
15 that motion? Does that leave in the reference to
16 the objective of equality, which I want, I will vote
17 for that motion if the object here is to achieve not
18 only compact and contiguous districts but also districts
19 of equal population.

20 MR. HOFF: He stated he wanted it in.

21 MR. MARTINEAU: I thought he stated he didn't

1 JUDGE ADKINS: I would accept an amendment
2 to the motion that the district be as nearly equal as
3 practicable.

4 MR. SAYRE: I see the problem here of trying
5 to have the population coincide with political subdivisions.
6 I don't see that is always practicable. I am afraid
7 that is what practicable will come to mean which is
8 why I favor a percentage designation.

9 THE CHAIRMAN: I think the issue is reasonably
10 drawn. A vote in favor of Judge Adkins' motion would
11 mean leaving to the Legislature the problem of dividing
12 into districts approximately equal in population without
13 putting in any percentage figures to determine the
14 extent of variation. A vote no would mean you would
15 favor putting in the constitution some numerical
16 limitations on the variation from absolute equality.
17 Are you ready for the question? All those in favor
18 of the amendment of Judge Adkins' signify by show of
19 hands. Opposed. Motion carries eight to seven.

20 MR. CLAGETT: I would like to propose a
21 further amendment to it. After the words as practicable

1 add and preserving one representative to each county.

2 DR. BURDETTE: You can't do that. That is a
3 contradiction in terms.

4 MR. CLAGETT: District shall be as nearly
5 equal in population as practicable and provide for one
6 representative to each county. That would not be
7 inconsistent.

8 DR. BURDETTE: It is a contradiction in
9 terms.

10 THE CHAIRMAN: Wait a minute. We are not
11 trying to draft language. I think his purpose is
12 clear. I think there is no contradiction in terms of
13 his purpose. His purpose is to have equality as nearly
14 as practicable but subject to the limitation that there
15 be not less than one Delegate from each county.

16 MR. HOFF: Might result in a four hundred
17 member House of Delegates.

18 THE CHAIRMAN: That is right.

19 MRS. BOTHE: I believe we just voted previously
20 on the maximum of members of the House. It's impossible
21 to have a 150-member maximum and still provide for a

1 member from each county.

2 MR. SCANLAN: I understand Hal's language
3 to go to senatorial districts.

4 MR. CLAGETT: Only House of Delegates.

5 MR. BROOKS: You can't have 150 members and
6 have one each.

7 THE CHAIRMAN: As I understood it, on the vote
8 we took on point nine we deleted the second sentence
9 which took away the maximum number. There is no maximum
10 now. Senator Hoff's statement is correct. That there
11 is no mathematical impossibility. You may have a
12 practical impossibility of size. Is there a second to
13 Mr. Clagett's motion?

14 MR. SCANLAN: Can I have that again?

15 MR. CLAGETT: My motion is the district
16 should be so nearly equal in population as practicable
17 and provide one representative to each --

18 THE CHAIRMAN: Subject to the limitation
19 there be not less than one representative from each
20 county.

21 MR. CLAGETT: Exactly.

1 MR. SCANLAN: Writing that into the constitu-
2 tion would mean to guarantee that would mean, say, in
3 1980 we might have a House of Delegates of, what would
4 it be, Dr. Winslow?

5 DR. WINSLOW: Four hundred.

6 MR. SCANLAN: That's the consequence of your
7 motion.

8 MR. MARTINEAU: The solution at that point
9 is to eliminate some counties.

10 THE CHAIRMAN: Is there a second to Mr.
11 Clagett's motion?

12 DR. BARD: I am against it but I second it.

13 MR. MARTINEAU: I am for it and I will second
14 it.

15 THE CHAIRMAN: Further discussion?

16 MR. CLAGETT: What this really does, to
17 answer Al's thought, is, if necessary, it might force
18 the elimination of some of the smaller counties or
19 consolidation and merger of the smaller counties in
20 order to preserve the practicability, as I understand
21 that word to carry some meaning.

1 THE CHAIRMAN: Ready for the question? A
2 vote aye would mean that you would add the limitation
3 in the constitution that there be not less than one
4 member from each county in the House of Delegates.
5 A vote no would leave this to the Legislature. Could
6 provide it or not as it would see fit. Ready for
7 the question? Those in favor signify by raising hands.
8 Opposed. The motion is lost nine to four.

9 I have to interrupt you, Dr. Bard, because
10 I have an absolute commitment to several members that
11 we do adjourn at five. It is that hour now. I think
12 we can pick this up at the next meeting. Before you
13 leave, there are two very important matters that I want
14 to ask. First, I would like to be absolutely clear about
15 this. Is everyone here without exception prepared to
16 vote without debate on the recommendation of the
17 Committee on Miscellaneous Provisions? If you are, I
18 would put it to a vote. If anyone is either not
19 prepared to vote on that or would desire to discuss it
20 or debate, it will go over to the next meeting.

21 MRS. BOTHE: If the recommendation is juries

1 no longer be judges of fact in criminal cases --

2 THE CHAIRMAN: Would be in effect repeal of
3 present constitutional provision that judges are
4 judges of law as well as fact. Anyone not prepared to
5 vote without discussion or debate?

6 MR. CLAGETT: I hate to say it --

7 THE CHAIRMAN: It will go over to the next
8 meeting. It is too important.

9 One other matter. This will take me but two
10 minutes. I think, as is indicated by today's session,
11 it is not only imperative that the July session be
12 an all-day session. We have to consider, I believe,
13 the probability of a two-day session. I do not want
14 to submit that question to you today for a decision,
15 particularly in view of the fact that a number have had
16 to leave the meeting. I point out to you we have had
17 at today's sessions, except for late this afternoon, nearly
18 a perfect attendance. A higher attendance than we have
19 had at any of the more recent meetings of the Commission.

20 We are now getting to the point where we
21 cannot take action by two-thirds of the Commission because

1 it simply leads to difficulties in subsequent sessions.
2 There are several possibilities which have occurred.
3 One is to provide some means by which we would all
4 go off to some hotel or hide-away for two days, get
5 away from the telephone and all communications with
6 our offices and everything else, sit down and work
7 straight through for two days. I have been on a number
8 of groups which have tried this expedient and it has
9 worked marvelously. We find that you get into the swim
10 of the thing. It is a little bit of a job to schedule
11 yourself for two days but once you do, you can get a
12 great deal more accomplished.

13 Second alternative is to provide a session
14 of two days but not two successive days. There are
15 draw-backs. You sort of lose the swing of it. We
16 will promptly this time circularize a questionnaire to
17 every member of the Commission as to what your preference
18 is but also for you to indicate clearly regardless of
19 what your preference might be whether you would be
20 able to meet whichever one of the alternatives most of
21 the Commission members decided to follow. We would not

1 seek to change the date. Everybody has had this date
2 fixed on his calendar so long if we had a two-day
3 session in the absence of a very strong request other-
4 wise, we would probably say the third Monday and the
5 next day.

6 Are there any questions as to this because
7 I want to have you all understand it.

8 MR. MARTINEAU: If you had two separate
9 days, would you plan to have them in the same week or
10 one one week and one another week?

11 THE CHAIRMAN: If we had two separate days,
12 I would think they would be separated by not more than
13 two or three days. Otherwise, you lose momentum. A
14 week apart gains nothing.

15 MR. SAYRE: Would you seriously submit a
16 weekend Saturday and Sunday?

17 THE CHAIRMAN: We will submit that too.
18 One thing I have had in mind as illustration is that
19 perhaps a hide-away at Tidewater Inn. Pleasant, conven-
20 ient, food is good, accommodations are nice. They have
21 rooms that I think are or have had rooms, I think are

1 sizable enough, or some similar place, but where we
2 can be cut away from the phone and other conflicting
3 engagements. It is the only way to get through in
4 anything like that time schedule.

5 (Discussion off the record.)

6 THE CHAIRMAN: Thank you all very much for
7 what I think is an excellent meeting.

8 (The Commission adjourned at 5:05 p.m.)

9 -----

10

11

12

13

14

15

16

17

18

19

20

21

1 CONSTITUTIONAL CONVENTION COMMISSION

2 Meeting of the Constitutional Convention

3 Commission held on Sunday, July 17, 1966, at 2 o'clock
4 p.m., at the Tidewater Inn, Easton, Maryland.

5
6 PRESENT:

7 H. Vernon Eney, Esquire,
8 Chairman of the Commission

9 Hon. E. Dale Adkins, Jr., Member

10 Dr. Harry Bard, Member

11 Calhoun Bond, Esquire, Member

12 Mrs. Elsbeth Levy Bothe, Member

13 Dr. Franklin L. Burdette, Member

14 Richard W. Case, Esquire, Member

15 Hal C. B. Clagett, Esquire, Member

16 Mr. Charles Della, Member

17 Mrs. Maurice P. (Leah S.) Freedlander, Member

18 James O'Connor Gentry, Esquire, Member

19 Stanford Hoff, Esquire, Member

20 Walter R. Haile, Esquire, Member

21 Reported by:
 C. J. Hunt

1 PRESENT: (Continued)

2 John R. Hargrove, Esquire, Member

3 Dr. Martin D. Jenkins, Member

4 Hon. William Preston Lane, Jr., Member

5 Robert J. Martineau, Esquire, Member

6 Ridgely P. Melvin, Jr., Esquire, Member

7 Clarence W. Miles, Esquire, Member

8 Edward T. Miller, Esquire, Member

9 Charles Mindel, Esquire, Member

10 Mr. E. Phillip Sayre, Member

11 Alfred L. Scanlan, Esquire, Member

12 Mr. L. Mercer Smith, Member

13 Dr. Furman L. Templeton, Member

14
15 ALSO PRESENT:

16 John C. Brooks, Esquire, Executive Director

17 Professor Lewis D. Asper, Reporter for
18 Committee on Elective Franchise and
 Declaration Rights

19 Dr. Clinton Ivan Winslow, Consultant

20 -----

1 THE CHAIRMAN: Can we come to order now,
2 please?

3 I think we are all here now, with the exception
4 of Phil Sayre, unless he is somewhere and I can't see
5 him.

6 I think the Commission can be congratulated
7 with having an attendance of this kind in the middle of
8 July. I am sure Phil Sayre will be here and when he
9 comes, we will have a complete attendance of the entire
10 Commission, except for Judge Walsh, who is unable to
11 be here, and Mr. Sykes, who was appointed just two days
12 ago and had to go out of town on Thursday.

13 I would like to welcome to the Commission
14 two of our three new members.

15 Mr. Walter Haile, whom I think has now met
16 every member of the Commission, except perhaps a few
17 who came in afterwards, and Mr. John R. Hargrove. Mr.
18 Sykes in the third member, and it brings the Commission
19 back to its full compliment of 27 members.

20 I will give you the Committee assignments
21 of the new members in just a moment.

1 The minutes of the last meeting were pre-
2 pared by Mr. Martineau but they have not been circulated
3 simply because it has been impossible for the executive
4 director's office to have them mimeographed and circu-
5 lated. I might say that the past two weeks in that
6 office have been somewhat hectic in trying to get the
7 various reports to you. The minutes will be circulated
8 next week, and we will ask for approval of the next
9 meeting.

10 Is there any report of the secretary, Mr.
11 Martineau?

12 MR. MARTINEAU: No, sir.

13 THE CHAIRMAN: The executive director has
14 a few matters to mention.

15 MR. BROOKS: First I might mention that we
16 are going to have to continue to aim to get as many of
17 these reports into the office as early as possible.
18 Even with four secretaries working this week on them
19 from Thursday a week ago, it was still impossible to
20 get the last ones out until Friday afternoon.

21 I would like to mention what reports are on

1 the agenda. If you would make a little note for me on
2 one of these pieces of yellow paper that is close at
3 hand, and give those to me in just a minute as I come
4 around, I am gathering together those you don't have.

5 We have the third report of the Committee on
6 the Executive Department and the fourth report of the
7 Committee on the Executive Department; that is third and
8 fourth report of the Executive Committee. You should
9 have received these in the mail on Friday morning;
10 also the fourth report of the Committee on Elective
11 Franchise and Declaration of Rights; the fourth report
12 of the Committee on Elective Franchise and Declaration
13 of Rights. Make sure you put your name at the top of
14 this and I will bring these around in a few minutes.

15 The fourth report of the Committee on the
16 Legislative Department, the third and fourth report of
17 the Committee on Miscellaneous Provisions, and the second
18 report of the Committee on the Judiciary Department.

19 The latter, second report of the Committee
20 on the Judiciary Department, if you haven't received it
21 before today, we will distribute it in the morning.

1 We don't have copies of that one with us at
2 the moment, but go ahead and note it if you do not have
3 it.

4 All of these were sent out either on Friday
5 or Thursday, so if you wouldnote those for us, we will
6 distribute those, the first one immediately and the
7 others while we are discussing the first report on the
8 agenda.

9 THE CHAIRMAN: Does everybody have a copy
10 of the first report to be discussed, that is, the
11 third report of the Committee on the Executive Department?

12 I realize the table is long. At least to
13 me it looks like a long ways down to the end. I will
14 try to keep my voice up and I will ask each of you to
15 please keep your voices up. Also, because we are again
16 making a transcript of this discussion so that we will
17 have it, it is absolutely necessary that we observe a
18 little more normal procedure and in order to assist the
19 reporter, will you please before speaking let me recognize
20 you and give me a chance to speak your name so that he
21 can have it in the transcript until he becomes familiar

1 with all the phrases.

2 As you know, from the notice you received,
3 at least I hope you received it, Congressman and Mrs.
4 Miller have very kindly invited the entire Commission,
5 the reporters and the newspaper reporters to come to
6 their home in Easton this afternoon at 5:30 for dinner.

7 MR. MILLER: And, Mr. Chairman, if any
8 accompanying wives, husbands, or members of the
9 family are here, we would like to have them too.

10 THE CHAIRMAN: Fine. We all, I am sure,
11 appreciate this very much. It will give us a welcome
12 break, because, as you know, we will have an evening
13 session.

14 The dinner is at 5:30 so that regardless of
15 where we are in the discussion, we will cut off at 5:15.

16 (Discussion off the record.)

17 THE CHAIRMAN: We would like to be back in
18 this room for an evening session at 7:30 and because it
19 is an evening session, I promise you we will adjourn
20 at 9:30, regardless of where we are in the proceeding.

21 Tomorrow morning, since we are all captives

1 and can get here, we will start the session promptly at
2 9:00. We will adjourn for lunch, I am not sure of the
3 exact time because I want to find out from the hotel
4 which will suit their convenience best for this large
5 group, and we will adjourn no later than 5 o'clock Monday
6 afternoon. Hopefully we can finish a little before
7 then. However, as you know, there are seven reports on
8 the agenda and since I am quite sure that no one has had
9 the opportunity to study all seven reports carefully,
10 and many of you have hardly had the chance to read
11 any of them, I want to go over the reports a little more
12 slowly than we would normally and ask the Chairman not
13 to assume that the members of the Commission have been
14 able to read the reports and therefore to present it
15 more fully than would otherwise be the case.

16 This is also important because in most
17 instances now we are getting down to specifics and
18 while again we are not too much concerned at the moment
19 with the precise phraseology in the sense of stylistic
20 changes, nevertheless we are concerned with the
21 appropriateness of the language used for the thought

1 conveyed.

2 Might I suggest also that again, without
3 taking time to suggest specific language for stylistic
4 changes, if any of you notice sentences or phrases which
5 are awkward, would you please flag it? I say that
6 because oftentimes the reporter and the Committee working
7 so closely with the Section and knowing exactly what
8 they are trying to say end up with a sentence that to
9 the person who sees it for the first time is far from
10 clear, or at least not as simple as it might otherwise
11 be.

12 With our three new members, or before I
13 get to that, I wanted to mention one other matter. As
14 you all know, Judge Russell resigned from the Commission
15 because of his appointment as Associate Judge of the
16 Supreme Bench of Baltimore City. He had been Chairman
17 of the Committee on Elective Franchise and I have
18 designated Mr. James Gentry, a member of that Committee,
19 as Chairman.

20 The Committee assignments of the new
21 Commission members are as follows: Mr. Haile has been

1 assigned to the Committee on Political Subdivisions and
2 Local Legislation, and Miscellaneous Provisions; Mr.
3 Sykes and Mr. Hargrove have been assigned to the
4 Committee on Elective Franchise and Declaration of
5 Rights and to the Committee on the Judiciary Department.

6 One other preliminary matter, but neverthe-
7 less a very important matter, is to tell you briefly of
8 the progress being made with respect to the referendum
9 on September 13. As you know, the Governor appointed
10 a large Citizens Committee under the chairmanship of
11 Judge Gray, and with Dr. Winslow as vice chairman.
12 That Committee has worked out a cooperative arrange-
13 ment with this Committee and with the University of
14 Maryland Extension Service. We have received for the
15 work of that cooperative group a grant from the Federal
16 Government under title one of the Education Act and have
17 moved into high gear with the work under that cooperative
18 program. It will include the preparation of a documen-
19 tary film on the revision of the Constitution. However,
20 it has been determined that it is just not practicable
21 to complete that film with the degree of excellence which

1 it should have in time for the September 13 primary.

2 Most of the people who have advised the
3 group about the making of the film state that it is a
4 matter which should normally take six months, and they
5 are very hesitant to cut the schedule down to less than
6 four months. We are tentatively trying to work out a
7 schedule to prepare such a documentary in three to three
8 and a half months. That will carry it past the September
9 13 primary, but it will be available for the very impor-
10 tant work of interesting the public and educating the
11 public on the problems presented in connection with
12 the revision of the Constitution, the calling of the
13 convention, the method of holding a convention, the
14 election of delegates, how a convention operates, et
15 cetera, and since these are very important matters before
16 the election of the delegates to the convention, the
17 documentary film will still serve a very important
18 purpose.

19 It should be available by late October or
20 November. It would be available for showing on TV
21 stations. It will be what is called a full half hour,

1 which I think means 25 minutes, in addition, will be
2 available for showing before civic groups, schools, et
3 cetera. We would hope it would have a very wide distri-
4 bution.

5 In addition, as part of this cooperative
6 program, we have been able to employ additional badly
7 needed assistants. We have been fortunate in being
8 able to secure the services of Professor Wheeler in
9 some editorial work. Unfortunately, it is only for a
10 period of three weeks but we are grateful to have the
11 assistance for that period of time. We have a group
12 of graduate law students and graduate political
13 science students working on a summer assignment, primarily
14 in research projects for the Committees of the Commission.

15 The Extension Service is preparing under
16 the supervision of Dr. Winslow and with the assistance
17 of some of these research assistants various slides and
18 other visual material.

19 The most ambitious part of the program empha-
20 sizes a series of seminars. There are eight of them; the
21 first of which will be held on next Tuesday -- call them

1 seminars, they are really work shops. The first one
2 will be an all-day work shop for members of the Citizens
3 Committee and statewide representatives. That is, people
4 of priminnence throughout the State. They will meet at
5 Holiday Inn North, which is on Joppa Road, near
6 Beltway Exit No. 29, at 10 o'clock in the morning. The
7 session will start off with a short address by Governor
8 Tawes and then will be followed with a series of approxi-
9 mately half hour addresses or discussions dealing with
10 the necessity for Constitutional revision and various
11 ways and means by which the public can be alerted to the
12 necessity of having a Constitutional Convention and
13 ways of getting the interest aroused so that there will
14 be a large turnout at the special election on September
15 13.

16 The program on next Tuesday will be an all-
17 day program. It will run from 10 a.m. to 4 p.m., with
18 lunch being served right there at the place of the
19 meeting.

20 The other programs will be half day programs.
21 There will be one that will follow at daily intervals.

1 The next day, the 20th, there will be one for Garrett,
2 Allegany and Washington Counties, near Cumberland.
3 There will also be one on the 20th for Baltimore County.

4 On the 21st there will be one for Frederick,
5 Carroll and Howard Counties at Frederick.

6 On the 21st also one in Prince Georges County;
7 on the 25th there will be two programs, one for Harford,
8 Cecil and Kent Counties at Elkton and the other for
9 Montgomery County at Rockville.

10 On the 26th, at Easton, there will be one for
11 Queen Anne's, Caroline, Talbot and Dorchester and on the
12 same day the first program for Baltimore City, Baltimore
13 City will have two. On the 27th, at Salisbury there
14 will be a program for Wicomico, Somerset and Worcester
15 and the second program for Baltimore City.

16 On the 28th Anne Arundel County will have
17 a program near Annapolis; on the 29th at Benedict,
18 Maryland, for Charles, Calvert, and St. Mary's County.

19 All of the members of the Commission are,
20 of course, invited to these sessions. I mention them
21 to you now in detail, however, so that you would

1 encourage any of the numerous persons who have received
2 invitations to attend these sessions to do so. I have
3 personally received a number of phone calls from people
4 saying, well, I am very much interested but I really
5 don't have to go because I don't have to be sold. I am
6 already sold on it. It is therefore important for you
7 if you can, and I am sure you have many friends who
8 have received invitations to these meetings, to clarify
9 the purpose of the meeting. It is not to persuade those
10 attending the meeting to vote for a Constitution Con-
11 vention. Rather it is to make of them a nucleus of
12 a group to get out and work for the referendum, to
13 get out the vote.

14 Again, the rallying cry is going to be not
15 merely an affirmative vote, majority vote for the
16 Constitution Convention but an overwhelming vote,
17 because of the feeling that only in this way can the
18 best possible people in the State be encouraged to run
19 for delegates to the Convention next spring.

20 Are there any questions about that part of
21 the program? There is a great deal of literature

1 available. The office of the Citizens Committee is
2 Room 214 in the University of Maryland Law School
3 Building in Baltimore and, of course, our office also
4 has some material at 700 Mercantile Trust Building.

5 If there is nothing further, we will proceed
6 with the consideration of the reports, taking them in
7 the order which was indicated by Mr. Brooks. The first
8 report to be considered will be the third report of the
9 Committee on the Executive Department.

10 Judge Adkins, will you keep in mind what I
11 mentioned at the beginning, that do not assume that
12 every member of the Commission has had the opportunity
13 to study any of the reports.

14 JUDGE ADKINS: It is a perfectly reasonable
15 assumption, Mr. Chairman, since I didn't see this
16 report in its final form until last night at 8 o'clock.

17 The impact of this third report of the
18 Committee on the Executive Department is basically
19 negative in its impact. We are recommending in this
20 report certain things that we think should not be done.
21 We are not recommending in this report any positive

1 actions.

2 We have attempted to set forth in the intro-
3 duction of the report our basic philosophy in terms of
4 the structure of the Executive Branch. We are coordinat-
5 ing our, or trying to coordinate our thinking with that
6 of the Curlette Commission, which was recently
7 appointed by Governor Tawes. The function of that
8 Commission being as we see it primarily to reorganize the
9 administration of the State. We do not consider that a
10 part of our function.

11 We do, however, consider it our function
12 to provide the necessary Constitutional Provisions
13 and mandates to permit that Commission to operate
14 effectively.

15 The underlying philosophy that our Committee
16 has adopted in general is that of the strong type executive.
17 We feel that in order to meet the problems of the State
18 and the modern world, Maryland needs a strong Governor,
19 and I think you will find throughout the recommendations
20 of this Committee to a more or less extent that philosophy
21 prevails.

1 We are not at this time getting into the
2 question of what extent the Governor should have the
3 right to hire and fire top policy making officers. That
4 will follow in a subsequent report. It will, however,
5 generally follow the basic policy as set forth in the
6 introduction. We are in sympathy with the philosophy
7 as set forth by Governor Tawes in his message to the
8 Legislature on March 22. We have set forth in the
9 introduction the seven guidelines which he there proposed.

10 With that general introduction, we can get
11 to the meat of the report. There are, as you know, a
12 number of Constitutional officers provided for the
13 Executive Branch. We will take them up in this report
14 item by item, but suffice it to say by way of summary
15 we are recommending that there be only two Constitutional
16 officers for the Executive Branch, to wit, the Governor
17 and a newly created post of Lieutenant Governor. The
18 necessary correlary to this is that we are recommending
19 the abolition as a Constitutional officer of the office
20 of Comptroller, the office of Attorney General, the
21 office of Treasurer, the office of State Librarian, and

1 the office of Commissioner of Land office.

2 I suppose the two most controversial of
3 those recommendations will be the Comptroller and the
4 Attorney General. They are contained in our Recommend-
5 ation No. 20, Page 2. I will comment briefly on our
6 reasons for these recommendations. Directing our
7 attention first to that of the Comptroller, we feel
8 that in the modern scene of the function of the
9 Comptroller is basically almost completely administrative.
10 It is not and indeed should not be a policy making
11 position. The position of the Comptroller is mainly
12 pre-audit, bookkeeping, tax collecting; to some
13 limited extent the Comptroller's office does establish
14 policy in the tax field but we think that that is not
15 sufficiently of importance to justify having a
16 Comptroller as an elected official. We are therefore
17 recommending that the Comptroller be hereafter appointed
18 by the Governor.

19 Discussion has been had, both in our
20 Committee and I understand in other Committees of the
21 Commission to the effect that there should be some

1 office created constitutionally who would act as a
2 post-audit Comptroller much as does the Comptroller
3 generally I think he is called at the Federal level.
4 That problem has not been decided by our Commission and
5 can only be decided after consultation with both the
6 Fiscal Committee and the Committee on Legislature. We
7 have left that question open so any recommendations here
8 relative to the abolition of all constitutional offices
9 except the Comptroller and Attorney General is not
10 intended to include that specific office.

11 We feel the Attorney General should not
12 be appointed for a variety of reasons, and I may
13 say in all candor that this recommendation is not
14 quite as firm a recommendation on the part of our
15 Committee as is that of the Comptroller. I think it
16 is fair to say it does have majority support. I think
17 it is fair to say it has unanimous support, with some
18 reservations, of the Committee.

19 We feel that the Attorney General is not
20 and should not be a policy making officer. Indeed we
21 think the extent to which the Attorney General attempts

1 to become a policy making officer, to that extent his
2 office is not serving the proper function. We feel
3 that the Attorney General should be responsive to the
4 Chief Executive, that he is basically the lawyer for the
5 organization; that as the lawyer for the organization,
6 the head of the organization should have the right to
7 choose or not to choose his own counsel. This does not
8 imply that the Attorney General in our concept is the
9 attorney only for the Governor or in any sense personal
10 counsel for the Governor, but we do think that in a
11 strong type executive the Chief Executive should have
12 the right of determining the legal staff, the legal
13 counsel that he and the executive officers of the State
14 which are responsive under our plan to the Governor
15 will have to resort to for advice.

16 I think, Mr. Chairman, that that is a
17 sufficiently general statement so that we might then,
18 with your consent, move to a consideration of the
19 precise problem of the question of the Comptroller.
20 I would recommend that that be the first question, since
21 I don't think these can all be treated as an over-all

1 problem.

2 THE CHAIRMAN: Could I ask you just to comment
3 further on one aspect of the problem with respect to
4 the Attorney General? At the session with the members
5 of the Liaison Committee of the Legislature, some members
6 of that Committee suggested that if the Attorney
7 General were appointed, that perhaps the Legislature
8 should have its own counsel and I know your Committee
9 considered that. I wondered if you couldn't comment
10 on that generally.

11 JUDGE ADKINS: We have considered it. We
12 have not attempted to take a definitive standpoint on
13 the matter since we think that is properly a question
14 within the purview of Committee on the Legislature. If
15 this Commission should adopt our recommendation that
16 the Attorney General's office be no longer a
17 Constitutional office, it might then very well be
18 that the Legislature would desire to have independent
19 counsel, but we did not think that that was within the
20 purview of our Committee to act on that question.

21 MRS. BOTHE: Mr. Eney, was that suggestion

1 made that the counsel to the Legislature, if there were
2 one be a Constitutional office?

3 THE CHAIRMAN: I don't recall frankly. I
4 don't think it had been thought out enough to be very
5 definite. I don't remember right now who made the
6 suggestion. I think Senator James was one; Mr. Mandel
7 may have been the other. I think the comment was merely
8 there ought to be provision for its own counsel to
9 advise it so that it would not be bound by the opinions
10 of the Attorney General.

11 JUDGE ADKINS: I might make two further
12 comments which I did not make in my remarks, Mr. Chairman.
13 These recommendations are neither new nor novel. They
14 were first recommended by the Sobeloff-Stockbridge
15 Commission in 1953 and after considerable deliberations
16 the reports of that Commission indicate that they felt
17 that both the Comptroller and the Attorney General should
18 not be Constitutional officers, so we are not completely
19 without respectable authority for the position that
20 we have taken.

21 The other question is the matter was put to



1 three prior Governors, or one present and two prior
2 Governors. There was something of a split insofar
3 as the Attorney General was concerned. My recollection
4 of the testimony -- I haven't checked this but I think
5 I am right -- my recollection of the testimony was to
6 the effect that Governor McKeldin felt the Attorney
7 General should be elected and the other two, Governor
8 Tawes and Governor Lane were not as strong in their
9 views as to the election of the Attorney General as
10 was McKeldin. Governor Lane, did I accurately state your
11 views?

12 GOVERNOR LANE: They are correct. There
13 was one question I would like to raise. Do we preserve
14 in the election of the Governor and the Lieutenant
15 Governor a partisan ticket?

16 JUDGE ADKINS: In our recommendation, yes,
17 sir. That will be involved in the fourth report,
18 but to answer your specific inquiry we are recommending
19 that they run jointly, so that just as the president and
20 vice president now do, so that you would not have the
21 possibility of a Lieutenant Governor of one party.

1 GOVERNOR LANE: I think with that that
2 straightens out the difficulty that I have in mind that
3 might occur.

4 JUDGE ADKINS: We have had a rather serious
5 question there insofar as the primary election was
6 concerned. We have not felt that it was necessary to
7 run in tandem in the primary, so that it was not necessary
8 to have the Governor and the Lieutenant Governor from
9 the same faction.

10 GOVERNOR LANE: I could skip the primary
11 because it could be corrected in the general election.

12 MR. ADKINS: Yes, sir. We do provide that
13 the Lieutenant Governor and Governor would be members
14 of the same party or would run on the same ticket.

15 THE CHAIRMAN: Judge Adkins, do you want to
16 proceed to a consideration of your recommendation as
17 to the Comptroller?

18 JUDGE ADKINS: Yes, sir. I move this, sir,
19 to get the matter on the floor, that our recommendation
20 No. 1, part one, which is not so labeled, to the effect
21 that the Comptroller be no longer a Constitutional

1 officer, be approved.

2 DR. BURDETTE: I wonder if Judge Adkins would
3 inform me what he means by a Constitutional officer?
4 I am a little puzzled with the thought that if the
5 offices mentioned in the Constitution is a Constitutional
6 office. The recommendation as I read it, part one, the
7 Comptroller should be appointed by the Governor rather
8 than popular election. I wonder if he would mean as I
9 would advocate that the Constitution should so provide.
10 If the Constitution says nothing at all about the matter
11 then let's by law provide that he be elected by the
12 Legislature, elected by the public or otherwise. I
13 merely raise the question whether he is a constitutional
14 officer as mentioned in the Constitution and go ahead
15 and provide the method of his selection as you have
16 indicated.

17 JUDGE ADKINS: We had not envisioned having
18 reference to the fact that they will be appointed in
19 the Constitution, because we frankly think that the
20 time may come and not too far in advance when the
21 Comptroller's office per se may be merged with the

1 other departments of the State, sufficiently integrated
2 so as to lose its identity as the Comptroller. We
3 think to mention the Comptroller as an officer in the
4 Constitution and make him a Constitutional officer would
5 not be within our thinking.

6 DR. BURDETTE: Your recommendation it seems
7 to me is simply, talking about the Comptroller, he
8 not be mentioned in the Constitution. If you don't
9 mention him in the Constitution, I don't see how you
10 can provide he be appointed by the Governor.

11 JUDGE ADKINS: I think probably that
12 comment is a valid comment and one of technique. I
13 would be glad to have my right hand Power comment
14 on it since he wrote the report.

15 MR. POWER: What we had in mind in the
16 over-all picture was this. We would not mention the
17 Comptroller specifically by name in the Constitution.
18 There would be, however, a general provision to the
19 effect that the Governor would appoint the heads of
20 all principal departments; assuming then that the
21 Comptroller continues to be the head of a principal

1 department he would be appointed by the Governor.

2 He would not be a Constitutional officer.

3 THE CHAIRMAN: May I inquire, Professor Power,
4 whether in that situation it would be possible for the
5 Legislature to pass a law providing for the office of
6 Comptroller and the election of the Comptroller?

7 MR. POWER: Here, of course, you would have
8 a difficulty in determining what a principal department
9 is. This is one of the drafting problems we have
10 not yet completely faced up to, but it would seem that
11 there would be a Constitutional mandate if the
12 Comptroller's office was a principal department, that he
13 be appointed by the Governor and the Legislature could
14 not alter that by statute.

15 MR. MILLER: Would you not have the Constitution
16 mention by name the principal department?

17 MR. POWER: We did not intend to, no.

18 JUDGE ADKINS: Actually that question, Ted,
19 is hanging, not in limbo but is in process of debate
20 at the moment as to the extent to which the constitution
21

1 will attempt to prescribe the number of departments.
2 There are two ways to do it, either prescribe the
3 number and put a maximum or leave it up to the Governor
4 in his reorganization plans. We have not yet completely
5 reconciled that question within our own ranks.

6 MR. MILLER: Would it be practical -- there
7 is bound to be a finance and there certainly ought
8 to be a legal department. Couldn't you mention some
9 of them at least and then it would insure there being
10 constitutional officers of some ilk in there even though
11 they weren't named in the Constitution.

12 JUDGE ADKINS: I think without having our
13 thinking completely clarified, I will on my own motion
14 say this: That it doesn't seem to me conceivable that
15 the State could, under any reorganization plan, the
16 Curlette Commission or any subsequent Commission serving
17 in a like capacity, could come up with, could possibly
18 act without first having a lawyer, this may be a little
19 prejudiced but I think it unfortunately true, first
20 without a lawyer and secondly without a finance officer.

21

1 I think it is almost inconceivable that you could have
2 any plan of reorganization which would not envision at
3 least those two officers so why put them in the
4 Constitution?

5 MR. MILLER: You might have political campaign
6 without a treasurer. I used to have a good many.

7 THE CHAIRMAN: Judge Adkins, may I ask
8 whether your Committee contemplates the continuance of
9 the Board of Public Works or some similar body under
10 the Constitution?

11 JUDGE ADKINS: We do not. We have not yet
12 thrashed out that problem. I think it is fair to
13 say that we do not conceive of the Board of Public
14 Works as being a Constitutional office. That problem,
15 again, has not been fully answered by us but I think it
16 is fair to say that our conclusions will be that the
17 Board of Public Works will not be a Constitutional
18 organization.

19 THE CHAIRMAN: Dr. Jenkins?

20 DR. JENKINS: May I ask if it is the thinking
21 of your Committee that these two officers be appointed

1 with the advice and consent of the Senate?

2 MR. ADKINS: We haven't answered that
3 problem specifically but I think again our feeling is
4 no, that it would not be with the advice and consent of
5 the Senate. Our basic thinking will, when we come
6 down to that precise problem will be that the Governor
7 will have the right to hire and fire the heads of
8 major departments without reference to confirmation by
9 the Senate.

10 DR. JENKINS: Do you feel these are in a
11 sense cabinet officers in the sense that the Director
12 of Welfare is not? Don't you feel that this has been
13 a valuable safeguard in the Federal organization?

14 JUDGE ADKINS: You mean to have confirmation
15 by the Senate?

16 DR. JENKINS: Yes.

17 JUDGE ADKINS: I think perhaps there are
18 many pros and cons on that question. We feel at the
19 State level the heads of major departments should be
20 responsive to the Chief Executive and we don't feel
21 that, of course, none of the heads of major departments

1 are now subject to confirmation by the Senate. The only
2 confirmation required in the Senate now, correct me if
3 I am wrong, somebody, are so-called Greenback appoint-
4 ments which are basically local appointments and
5 largely done to give the local and state senators some
6 political control, and secondly, members of independent
7 boards such as Board of Regents, Board of your College
8 and other places but we don't think that that fits into
9 the modern scheme in terms of the structure of the
10 state government, so I am quite confident that we will
11 ultimately recommend that they not be subject to
12 confirmation by the Senate. If that is not the Committee's
13 sense, please speak up. That question was not finally
14 decided.

15 THE CHAIRMAN: Mr. Della.

16 MR. DELLA: Mr. Chairman, through the Chairman
17 of Committee, this type of recommendation, would
18 that be in any possible way, we will say, be the first
19 step toward a totalitarian government? If the people
20 are only going to be responsible for electing the
21 Governor, and he in turn sets up his own satellite

1 organization around him of his own choosing without
2 approval of anyone else, is this going to be constructive
3 or could it eventually be dangerous? This is the
4 only question that raises a point in my mind?

5 JUDGE ADKINS: That, of course, is a very
6 pertinent question. It gets into a rather long
7 argument in terms of political philosophies. I suppose
8 to the extent any single individual is given power in
9 a state to do anything you take a step toward totalitarian
10 government. We have taken so many steps in that direc-
11 tion, however that I don't consider this slight additional
12 step any real threat; if there is a threat, I think we
13 have long since crossed the threshold. That is my own
14 theory.

15 MR. SCANLAN: I would like to add on that
16 point one state where perhaps someone might say people
17 have progressed down the totalitarian road is the state
18 where the attorney general is elected, Alabama. The
19 fact the Attorney General is elected on a different
20 line than the Governor in Alabama hasn't prevented the
21 Governor of Alabama from having his wife succeed him.

1 I don't think the question depends necessarily on the
2 structure of the executive branch but on the responsive-
3 ness to the people when they are confronted with a
4 situation like that.

5 JUDGE ADKINS: The real check of totalitarianism
6 is the interplay between the Legislature and the Chief
7 Executive and so long as policies, major policies,
8 particularly the raising of taxes need to be implemented
9 by the Legislature, it seems to me there you have your
10 best check against abuse of power.

11 DR. BURDETTE: I should like to say for the
12 record that I do not consider that Alabama has ^a/totalitarian
13 form of Government. Perhaps this is extraneous.

14 MR. SCANLAN: I merely said that some did.

15 THE CHAIRMAN: Mr. Gentry.

16 MR. GENTRY: I appreciate that you are not
17 submitting recommendations on these department heads
18 but it does become pertinent in that you are changing
19 what we now have in regard to the Comptroller and the
20 Attorney General. Has the Committee yet thought whether
21 these department heads would serve at the pleasure of

1 the Governor or a specified term?

2 JUDGE ADKINS: The Committee is in the
3 process of thinking that very strenuously as the major
4 problem that we have. I think at least some of the
5 members of the Committee, of which the Chairman has to
6 be one, feel that they should be appointed at the
7 will and pleasure of the Governor, just as the present
8 State Roads Commissioner. We think that if we are to
9 hold the Governor as the Chief elected official respon-
10 sible for the administration of the affairs of the
11 state, he cannot be expected to do that unless he can
12 have control of the people carrying out the policies
13 which are laid down. We think that just as we think --
14 I think we are going to come up with this recommendation,
15 that the chief heads of the department, only the heads
16 of the department, not subordinate personnel, not tamper-
17 ing with the merit system but we think that the heads
18 of the department should be responsible to the Chief
19 Executive.

20 MR. CASE: Dale, how is this going to work
21 with members of State Boards, such as the Racing

1 Commission, Public Service Commission, who are appointed
2 and subject to removal usually only after a showing of
3 cause at a hearing?

4 JUDGE ADKINS: One of the reasons, Dick, I
5 can't answer that question precisely. Frankly, this
6 whole question is still formative, and any help the
7 Commission can give us is worthwhile in terms of this
8 discussion, but we are presently engaged in research
9 which has not yet been made available to us, the impact
10 of the right to hire and fire on all areas of the
11 State, including the Racing Commission, Public Welfare,
12 State Superintendent of Schools, et cetera. Until we
13 have that information definitely before us, I don't
14 think we are going to be in a position to design the
15 precise structure insofar as right to hire and fire but
16 I think it is fair to say that we are thinking in terms
17 of making this possible for the Governor to hire and
18 fire in major areas, with the possible exception of the
19 elimination of some areas, such as, well, we are even
20 thinking of the Racing Commission. There may be the
21 possibility of making that a single man board rather

1 than Commission. These are problems we haven't yet
2 really answered.

3 MR. CASE: I have one more observation and
4 one other question. I think the Commissioner of Land
5 office is appointed with the advice and consent of the
6 Senate.

7 JUDGE ADKINS: In addition to the ones I
8 named. You are quite right, he is.

9 MR. CASE: Now my question is this.

10 JUDGE ADKINS: There is a real reason for
11 that.

12 MR. CASE: I understand but the question is
13 this: If the office of Comptroller is taken out of the
14 Constitution, does this also mean that in your judgment
15 that the specifications of his duties, which are likewise,
16 of course, contained in the constitution, should like-
17 wise be eliminated, or do you think these should be
18 transferred to the appropriate article on finance
19 or just what is the thinking of your Committee?

20 JUDGE ADKINS: Our thinking would be that
21 that would be taken out of the Constitution and left to

1 either legislation or administrative order under the
2 reorganization provisions, which I would assume the
3 Governor would ultimately have, perhaps as a
4 constitutional matter.

5 MR. CASE: Let me say this. I don't know
6 whether it makes any difference or not, but the Committee
7 on finance, of course, is involved at this time in
8 reviewing the provisions relating to the State budget.
9 Now this demonstrates the outflow of state funds and the
10 control of those state funds and the protection of
11 them, et cetera. Now up to now the Constitution has
12 been at least somewhat symmetrical in that there is
13 also a control of the inflow of state funds, and I am
14 wondering whether or not it would be desirable to
15 eliminate the latter and continue the former.

16 MR. CLAGETT: What?

17 MR. SAYRE: What latter?

18 MR. CASE: The latter being duties of the
19 Comptroller. Let's expand the discussion a little
20 bit, to the Treasury Department, because the Constitution
21 now says in effect that all moneys, all state moneys shall

1 be deposited by the State Treasurer and the State
2 Comptroller shall have the control of this aspect of the
3 thing. I think there is probably a major problem of
4 policy which the Commission ought to decide here, and
5 that is whether or not these obligations and duties
6 which are now set up with a great deal of specificity
7 in the constitution itself ought to just be eliminated
8 and say, well, the Legislature should take care of
9 this. Now if you are going to decide that, then perhaps
10 I would also ask you to decide whether or not the whole
11 provision about the budget shouldn't go the same way,
12 because that would relieve my committee of about 80 per
13 cent of its work. We could decide that real fast.

14 THE CHAIRMAN: Might I suggest, Judge
15 Adkins, that in the light of the discussion, that
16 perhaps it would be desirable to split the recommenda-
17 tion into two parts. First, that the Comptroller should
18 be an appointed rather than an elected official
19 and secondly the question of whether it should be a
20 Constitutional office or not, because there may be some
21 who are prepared to vote one way or the other on the one

1 and not on the other.

2 JUDGE ADKINS: I think that is a reasonable
3 suggestion.

4 THE CHAIRMAN: Let's suppose then that we
5 consider for the moment merely the question of whether
6 the Comptroller should be appointed or an elected
7 official, without regard to the question of whether he
8 is a Constitutional officer. Mr. Della.

9 MR. DELLA: Mr. Chairman, except, I think, the
10 two facets of this one recommendation together and I
11 think before the people would have a clear understanding
12 of what the machinery is going to be in order to
13 make a final vote, they ought to understand what is the
14 thinking of the Commission at least as to the mechanics
15 that are going to be involved in the operation of the
16 Comptroller's office. I think if they get this under-
17 stood then they can decide whether it would be wise to
18 put the Comptroller's office out of the Constitution
19 or leave it in. That is my personal opinion.

20 THE CHAIRMAN: I think undoubtedly if you
21 meant by the people other than this Commission, I am

1 sure at some point the Commission would have the
2 definite recommendation on the whole question. I am
3 thinking of splitting it now just for the purpose of this
4 discussion this afternoon.

5 MRS. BOTHE: I find it a little difficult
6 to decide whether I wanted the Comptroller and Attorney
7 General to be appointive or elective without knowing
8 what the recommendation is going to be on tenure, because
9 I was serving on that Committee when we reached this
10 conclusion, and frankly never thought of the Governor,
11 not only appointing these two very high officers but
12 at whim or pleasure discharge them. I am not so sure
13 I am in favor of that.

14 THE CHAIRMAN: Did you want to comment
15 further, Judge Adkins?

16 JUDGE ADKINS: No, I have no comment, except
17 to say that if this thought prevails the only thing I
18 can do is refer it back to the Committee until such
19 time as we bring a final report. We felt this preliminary
20 problem should be decided, leaving for future decision
21 on our part and your part the question of whether or

1 not they should be appointed for a term, appointed at
2 will, appointed subject to confirmation. Those are the
3 question which are now in the embryonic stage in our
4 own thinking and haven't been fully -- decision on
5 which has not been fully made.

6 THE CHAIRMAN: Mr. Bond?

7 MR. BOND: I would say that both as a member
8 of Judge Adkins Committee and Mr. Case's Committee,
9 first as to tenure I think all of us on the Executive
10 Department Committee after really getting into the thing
11 and going over it have decided that we have got to give
12 this state a strong Governor. In order to give it a
13 strong Governor, he has to have the responsibility for
14 his departments. Therefore, he has to have the right
15 to replace and have the Department heads serve at his
16 will. I think this is the concensus of our opinion.
17 I don't think we discussed too much from the financial
18 aspect the inflow problem that Dick Case brought up but
19 I really think that belongs in the Financial Committee
20 rather than in the Executive Committee. I think that
21 might be a good way to resolve the problem.

1 THE CHAIRMAN: Mr. Sayre.

2 MR. SAYRE: In regard to the finance area,
3 I know we discussed briefly, and I think it would be
4 appropriate for the two Committees to meet together
5 on it, because they are so inter-related and that
6 particular question might be deferred as to whether it
7 is Constitutional or not.

8 THE CHAIRMAN: Anything further?

9 MR. CASE: I think there ought to be some
10 ruling, perhaps from the Chair or however you want to do
11 it, that would settle that point, Vernon.

12 THE CHAIRMAN: I was going to suggest after
13 we pass this question that the second question be
14 referred back to the Committee, with the suggestion
15 that it meet jointly with the Committee on Finance,
16 because it does seem to me that, aside from mere problems
17 of symmetry, it really doesn't make any sense to have an
18 elaborate decision controlling outflow of money and no
19 provision at all as to the incoming money.

20 MR. CASE: That is my point.

21 THE CHAIRMAN: This has to be worked out and

1 it is a dual problem. I do think we want to get for the
2 guidance of this Committee a consensus on the question
3 of whether the Comptroller should be elected or appointed.

4 DR. BARD: I was merely going to ask a
5 historical note on matters of the Attorney General.
6 The Convention of 1851 eliminated the Attorney General
7 as an elective office, and was placed back in 1864.
8 I have been reading some of the Convention delibera-
9 tions and they faced apparently the same kind of question
10 in 1851, and took the Attorney General out as an
11 elective office.

12 I have a question here but perhaps it doesn't
13 belong at this point in regard to the Lieutenant
14 Governor. There is nothing in there in regard to succession
15 of office.

16 THE CHAIRMAN: Let's wait until we get to
17 that.

18 I would like to ask Judge Adkins or Mr.
19 Power this question. Maybe you haven't reached this
20 in your thinking yet. Would it be possible under the
21 plan you have in mind for the organization of the

1 Executive Department under the constitution for the
2 Legislature in creating independent boards and commis-
3 sions, to provide by legislation that the members should
4 be either elected or appointed and if appointed should
5 be or should not be confirmed by the Senate, or do you
6 plan to have in the constitution any kind of a prohibi-
7 tion against such action by the Legislature?

8 MR. POWER: Again, I think this gets back
9 to the broad problem we are aware of but haven't actually
10 drafted the provision for yet. The general structure
11 we have been thinking/ ⁱⁿ terms of is this: A broad
12 constitutional provision requiring that the heads of
13 all principal departments, or something like that, be
14 appointed by the Governor and serve at the pleasure of
15 the Governor. Another provision, that all other state
16 officials would be appointed and could be removed as
17 provided by law, so the Legislature would have the
18 power to determine how some state officials would be
19 elected or appointed, or how they would come into office
20 and how they could be removed but not the heads of
21 principal departments.

1 THE CHAIRMAN: So that to direct it to
2 Mr. Case's question, the independent boards like the
3 Public Service Commission or the Racing Commission
4 could, by law, be headed by either elected or appointed
5 officials and the Legislature could provide if appointed
6 that the appointment was subject to confirmation by the
7 Senate?

8 MR. POWER: That would be right, depending,
9 of course, on how our broad language was drafted dealing
10 with the departments, that the heads of principal
11 departments be appointed by the Governor.

12 JUDGE ADKINS: I might say as far as the
13 question of regulatory agencies, this is very troublesome,
14 as indeed are questions^{of}/independent boards, such as
15 boards in the educational fields and the boards in some
16 of the other fields. The whole question of whether such
17 boards should have tenure and if they have tenure
18 whether the executive directors of the departments which
19 they head should be responsive to the board or to the
20 Governor, are very difficult questions. They are questions
21 that we are wrestling with right now. I hope in our

1 next report we will have some clarified thinking on our
2 part but the questions you are directing are directed
3 to the problem area which we are not prepared to give a
4 definitive answer on.

5 MR. CLAGETT: Mr. Chairman, if the Constitution
6 or your article doesn't provide what shall be the
7 principal departments, what will stop the Legislature from
8 coming along and saying this shall not be a principal
9 department, and therefore, defeating your purpose in
10 having the Governor make the appointment?

11 JUDGE ADKINS: I would suppose that first of
12 all, I think concomitant with the whole problem, and
13 really we are getting outside of the discussion of our
14 report, but concomitant with this whole problem we are
15 thinking in terms of what amounts to a Constitutional
16 recommendation or a Constitutional provision similar
17 to the Hoover reorganization provisions at the Federal
18 level, whereby the Governor can propose reorganization
19 plans subject to being vetoed by the Legislature within
20 some reasonable period of time, so that the impetus
21 of creating departments would be with the Chief Executive

1 rather than with the Legislature.

2 Now one of the answers to your problem is
3 the fact that it would require the concurrence of the
4 Chief Executive under the veto power to accomplish what
5 you are talking about.

6 DR. JENKINS: Judge Adkins points out we are
7 getting into a much broader field than the report
8 covers, but the statement here that the Governor should
9 appoint all department heads, is it the thinking of the
10 Committee that this extends, let us say, to the depart-
11 ment of the president of the University of Maryland?

12 JUDGE ADKINS: No.

13 DR. JENKINS: There will be some areas excluded.

14 JUDGE ADKINS: That would come under the
15 Education Committee, the report of which is before
16 this Commission.

17 DR. JENKINS: If this were a general state-
18 ment it would be overriding. I am not sure the
19 Chairman wants us to get into a discussion of this
20 broad question.

21 THE CHAIRMAN: I don't want to get into the

1 discussion in the sense of deciding it but to the extent
2 that the discussion helps the decision of this one
3 question, I don't want to shut it off.

4 DR. JENKINS: This would be a very unfortunate
5 occurrence, I think, if it was generalized to the ex-
6 tent of including educational institutions.

7 JUDGE ADKINS: I don't think that would be the
8 case. I think we would ultimately feel, independent
9 educational institutions are not a principal department,
10 close quote in the language we will propose, so that
11 the Governor would not have the right to have immediate
12 control over these persons.

13 MR. CASE: Mr. Chairman - - what is wrong
14 with the idea of having the constitution merely say
15 that there shall be an Attorney General, who shall be
16 appointed by the Governor? Where does the state lose by
17 that? I have heard a lot of things here today that
18 would indicate it might lose by not doing it but what
19 does it lose by doing it?

20 JUDGE ADKINS: Well, in the case of the
21 Attorney General, I have to in all honesty say I don't

1 think it will lose by stating it as you propose it,
2 because it is inconceivable to me the state will at any
3 future time be able to operate without an Attorney
4 General, unless you call him Judge Advocate or some other
5 title. You have to have a legal department. I don't
6 see any particular objection, if the Committee feels that
7 that should be stated as an officer to be appointed. I
8 see no objection to dignifying it by making him a
9 Constitutional officer. I don't take the same view
10 with the Comptroller, however.

11 MR. CASE: Why not?

12 JUDGE ADKINS: It seems to me that the
13 Comptroller's function might very well be completely
14 changed in terms of the studies of the Curlette Commission,
15 the creation of the Department of Finance, Department
16 of Taxation or some of the tax collecting functions that
17 are now existing in the Comptroller's office may be
18 taken out of that Department and put somewhere else,
19 and it doesn't seem to me that you can forecast with
20 any assurance that the Curlette Commission or any other
21 Commission of comparable stature is going to necessarily

1 want to maintain the same physical structure that the
2 State now has.

3 If you make that a Constitutional officer,
4 then you have more or less stratified the same type of
5 fiscal organization. That would be the distinction in
6 my opinion between the Comptroller and the Attorney
7 General.

8 THE CHAIRMAN: Mr. Sayre.

9 MR. SAYRE: One of the difficulties in stating
10 a Constitutional office is that if you state one, and
11 the most obvious one to put into the Consitution, I
12 think, is the Attorney General, but if you put him in,
13 where do you draw the line, especially when you might
14 have some occasional fluidity in the reorganization of the
15 major departments and offices. It seems inconsistent to
16 put one or two in and not maybe three or four others
17 that really don't have to be in the constitution.
18 Maybe this one office deserves it.

19 MR. CASE: You know what is said about a
20 fool's inconsistency, don't you?

21 MR. SAYRE: Maybe this deserves that type

1 consideration.

2 JUDGE ADKINS: I think there is a continua-
3 tion of that same idea. If you are going to describe
4 the Attorney General in the Constitution, it seems to
5 me you have to give him something to do. You have got
6 to prescribe what he is going to do.

7 MR. CASE: You could do that in about three
8 words, couldn't you? He would be the Chief Legal Officer
9 of the State.

10 MR. SAYRE: Such as his duty shall include?

11 MR. CASE: Getting back to your other two
12 questions, Mr. Chairman, it seems to me that if you are
13 going to have a fiscal department called for in the
14 Constitution, it seems to me that it is pretty tough
15 to have such a department and not say there will be
16 a head of it. I am not debating how he gets to be
17 head. I would think personally I would go along with
18 the idea that he might be appointed by the Governor,
19 but if you are going to have a department and don't
20 say anything about the head of it, it doesn't make much
21 sense, does it?

MR. SAYRE: ~~We haven't said we were going to~~

1 to have the department stated.

2 MR. DELLA: Mr. Chairman, it seems to me if
3 you are going to give the Governor the right to make
4 appointments to the principal departments, that at least
5 these principal departments be enumerated in the
6 Constitution, so that some other group may say he
7 doesn't have the right to make that appointment. I
8 don't think you need put the duties of the department
9 heads in the Constitution as such; just like in many
10 of the organizational structures you have standing
11 committees and it doesn't enumerate the duties of the
12 committees. I think in the Constitution we are develop-
13 ing now if we are changing the form where the Governor
14 will have the right to make appointment of certain
15 department heads that those departments could be
16 enumerated as such, so that at least everyone will know
17 which one the Governor has a right to appoint.

18 THE CHAIRMAN: Mr. Bond.

19 MR. BOND: On that specific point, the
20 Governor did recommend a certain specific number of
21 departments and named them in his speech establishing the

1 Curlette Commission is having second thought about what
2 the department should be, how they should be comprised,
3 functions, et cetera. Certainly we are having second
4 thoughts. I think the best way out of it is to give
5 the Governor the power to propose a plan of organization,
6 subject to Legislative approval. They ought to approve
7 or disapprove or take action, or not take any action as
8 with the Hoover Commission. I think it would be a great
9 mistake trying to delineate the departments in a change
10 of society and change of governments such as we have
11 today.

12 On the second point Mr. Case raised, the
13 point about the responsibility of the finance department.
14 I think the responsibility should always be that of
15 the Governor. I don't think it would follow you have
16 to say there will be a head of this department. I think
17 if the Governor has a responsibility, as he has for
18 the budget, on the outgo and has the responsibility
19 for the ingo, you don't have to delineate the specific
20 powers of any department in the Constitution.

21 THE CHAIRMAN: Now the question before you

1 at the moment is only the question of whether the
2 Comptroller should be an appointed official. We are not
3 now considering the question of whether the office
4 should or should not be mentioned in the constitution.
5 Is there any further discussion of that particular
6 question at this time?

7 MR. MILLER: Question.

8 THE CHAIRMAN: If not, we will put this to
9 a vote. An aye vote means that you vote in favor of
10 the Comptroller being an appointed official, not depen-
11 dent upon whether he is a Constitutional officer or not
12 a constitutional officer. Are you ready for the
13 question? Those in favor signify by saying aye.
14 Contrary, no. The ayes have it.

15 Now, the second part of the question will be
16 whether the office of Comptroller should be a Constitution-
17 al office, by which I mean only at the moment whether
18 it should be an office mentioned in the Constitution,
19 not considering whether all the duties should be spelled
20 out or not. As I indicated a moment ago, I would suggest
21 that this question be referred back to the Committee on

1 the Executive Department, with the request that they
2 consult with the Committee on State Finance and Taxation,
3 and report back at the next meeting of the Commission,
4 but any expression of views on that question at the
5 present time would, I think, be helpful to both
6 Committees.

7 MR. SCANLAN: I would like to say, Mr.
8 Chairman, that it would be a radical omission not to spell
9 out the offices of Comptroller, Attorney General, or
10 other heads of the department. I call attention to
11 the fact that there is not a mention of any specific
12 department in the Constitution of the United States
13 and as a consequence, we have had a fluidity and elasticity
14 that has permitted the cabinet system to develop as
15 the need arose. I gather they created a new cabinet
16 office just in the last few years, the urban, whatever
17 he is called, and I think a similar type of provision in
18 our State Constitution would have equal merit/^{of}that type
19 of elasticity.

20 DR. BURDETTE: I am inclined to agree with
21 Mr. Scanlan's position but I would like to expand it
a bit, if I am correct in recalling, the Constitution

1 of the United States does give appointive power to the
2 president, and fixes the confirmation in the Senate. I
3 am not absolutely sure how I would ultimately stand.
4 I would be open to persuasion about this confirmation
5 by the Senate. I am not at all convinced that it would
6 be necessary to separate confirmation of the Senate and
7 service at the will of the Governor. We have precisely
8 that situation in the Government of the United States.
9 Indeed we have court decisions which hold that the
10 tenure of office act as passed in the Andrew Johnson
11 Administration was unconstitutional. We have a pattern
12 wherein dismissal can take place. I sincerely approve
13 even if necessary to say so but I would think it would
14 be possible to say in the constitution if there is any
15 doubt about it that such officers serve at the will of
16 the Governor, but also provide that they be confirmed
17 by the Senate. I don't know that I don't have definitive
18 views. I would support the thought that they serve at
19 the will of the Governor. I think I would lean toward
20 confirmation by the Senate, if for no other reason than
21 to prevent such appointments as you might have referred

1 to, not appointments but in another state, in a somewhat
2 casual fashion.

3 THE CHAIRMAN: Professor Bard?

4 DR. BARD: I would like to read a sentence
5 or two from our State Constitution, which does not
6 mention the Comptroller specifically. I think the
7 model handles rather well, without including the
8 Comptroller within the Constitution itself. It has
9 all executive and administrative officers, and for the
10 benefit of our reporter, this is Section 5.06, Page 10
11 of the model, the first two or three sentences.

12 All executive and administrative offices,
13 agencies and instrumentalities of the State Government
14 and their respective functions, powers and duties, shall
15 be allocated by law among and within not more than 20
16 such departments.

17 THE CHAIRMAN: We can't hear you. You
18 are going too fast.

19 DR. BARD: All executive and administrative
20 offices, agencies, and instrumentalities of the State
21 Government and their respective functions, powers, and

1 duties, shall be allocated by law among and within
2 not more than 20 principal departments.

3 I would like to interpolate by saying that
4 the model does not name the departments but it does set
5 a ceiling on the number which shall come into existence,
6 and it elaborates later on as to why it doesn't name
7 them -- so as to group them as far as practicable
8 according to major purpose, regulatory quasi judicial
9 and temporary agencies established by law may but need
10 not be allocated within the principal department.
11 The legislature shall by law prescribe the functions,
12 powers, and duties of the principal departments, and
13 of all other agencies of the State and may from time
14 to time re-allocate offices, agencies, instrumentalities
15 among the principal departments, et cetera.

16 I like that point because in this way the
17 mere fact that we won't name the Comptroller would per-
18 mit us to have the kind of stability which I think the
19 model has in mind, which I think is necessary at this
20 stage.

21 THE CHAIRMAN: Dr. Templeton.

1 DR. TEMPLETON: Mr. Chairman, frequent
2 reference was made during the past discussion to the
3 current Commission. Will there be any light given us
4 during this day and a half as to how we tie into them,
5 how we tie in with them or they with us?

6 THE CHAIRMAN: I don't know a great deal would
7 be said about it. The Curlette Commission has not
8 published any reports. As a matter of fact, it is
9 just getting under way its study of the departments.
10 It has not yet undertaken the really comprehensive study.
11 We have been giving some thought to trying to work out
12 with them an arrangement to make the research that
13 Judge Adkins referred to as sort of perhaps a cooperative
14 project, because it is the sort of thing they will need
15 as well as us.

16 I would anticipate that the Curlette Commission
17 would be far behind us in our recommendations. They will
18 be very detailed recommendations, whereas we are
19 dealing only with the general structure. I think Judge
20 Adkins' point was merely to have this Commission aware
21 of the broad scope of activities of the Curlette Commission

1 so that we would, if we felt it wise, not inadvertently
2 adopt a provision in the Constitution which would in any
3 way impede any kind of reorganization that might go
4 through desirable. Is that about right?

5 JUDGE ADKINS: That is exactly right. We
6 have had only one meeting with their executive secretary
7 and as the Chairman suggests, they are in a very formative
8 stage, but generally speaking their job, taking the
9 language that Dr. Bard referred to, for example, their
10 job would be to prescribe, if for example, we were to adopt
11 a model constitution language, their job would then be
12 to prescribe what the 20 departments would be and how
13 the various functions of the State would be grouped
14 within those departments. That is not, however, in our
15 thinking, a matter for the Constitution. All we are
16 trying to do is to get sufficiently broad enabling language
17 to permit a commission like the Curlette Commission or
18 succeeding commissions to reorganize as the needs of
19 the State indicate.

20 DR. TEMPLETON: I assume we would not be too
21 timid or indulge in foot-dragging because of that

1 Commission.

2 JUDGE ADKINS: No. We have no intention of
3 doing that. I think they will be six months behind us,
4 as the Chairman suggests.

5 THE CHAIRMAN: Any further comment on this
6 specific question? Governor Lane?

7 GOVERNOR LANE: I don't know whether this
8 would be helpful from personal experience, but it was
9 my good fortune 35 years ago to be elected to the
10 office of Attorney General, subsequently to the office
11 of Governor and I found that the Constitution provided
12 that if I didn't do what the Governor directed me to
13 do, he could institute proceedings to throw me out of
14 office.

15 The second was with reference to the ability
16 of the Governor. In very few instances I found objection-
17 able appointees but there was no way in which,
18 adequate way in which you could get rid of them. I think
19 that is a limitation that should be cared for on each
20 end.

21 THE CHAIRMAN: Any further comment? All right,

1 then, this second part of the question will be referred
2 back to the executive department Committee with the
3 request that they consult and discuss it with the
4 Committee on State Finance.

5 DR. BURDETTE: I would like to say for
6 myself, Mr. Chairman, that I would greatly endorse
7 Judge Adkins' thought that there be reorganization
8 power in the Governor's office, subject to disapproval
9 by the Legislature, so that inaction by the Legislature
10 would not prevent a major reorganization.

11 THE CHAIRMAN: Judge Adkins, will you move
12 onto the next question, which I take it deals with the
13 Attorney General?

14 JUDGE ADKINS: Yes, sir. The next question
15 for consideration should be whether or not the
16 Attorney General should be an elected or appointed --
17 well, whether or not he should be an elected official.

18 THE CHAIRMAN: Again may we consider this
19 independent of the question of whether or not he is
20 a constitutional officer?

21 JUDGE ADKINS: I think that is indicated. I

1 I move you, sir, the Commission go on record
2 as approving an Attorney General that is not elected
3 by popular election.

4 MR. SCANLAN: Second.

5 THE CHAIRMAN: Any discussion or comment?

6 MR. MILLER: Question.

7 THE CHAIRMAN: Are you ready for the question?

8 All those in favor of the recommendation signify by
9 saying aye; contrary, no. The ayes have it. Next.

10 JUDGE ADKINS: I would assume that, are
11 you referring back to also the subsidiary question as
12 to whether or not the Attorney General should be men-
13 tioned in the Constitution?

14 THE CHAIRMAN: Yes, sir, thank you. That
15 will be referred back in the same way as the similar
16 question with respect to the Comptroller, but it need
17 not be considered, except in a peripheral sense by the
18 Committee on Finance. I take it, Dick, that there is
19 no overlapping with your Committee so far as the office
20 of Attorney General is concerned?

21 MR. CASE: No.

1 JUDGE ADKINS: I don't know whether there is
2 any overlapping between this Committee and the Judiciary
3 Committee on the question.

4 THE CHAIRMAN: I was going to suggest that
5 you consider with the Committee/^{on}the Legislative Depart-
6 ment the question which you indicated earlier had not
7 been considered by your Committee, and that is whether
8 there should or should not be any separate legal officer
9 for the Legislature and if so, which Committee should
10 handle the matter. It would probably be helpful also
11 to touch base with the Committee on the Judiciary
12 Department.

13 MR. MILLER: Just on that point, Mr. Chairman,
14 couldn't the Legislature at any time it wanted to
15 employ any sort of legal advice and would it be necessary
16 to put it in the Constitution? It seems to me rather
17 an unusual provision to have an official attorney for a
18 Legislature.

19 THE CHAIRMAN: Well, it has been done, I am
20 sure. I can't call you the states. There has been a
21 growing trend to have legislative bodies have their own

1 fiscal advisers for instance.

2 MR. MILLER: Most important legislative
3 committees have a chief counsel. The whole Legislature
4 could have a counsel, like it would have a parliamentarian
5 but you wouldn't have to put it in the Constitution,
6 would you?

7 THE CHAIRMAN: I think that is probably
8 correct, unless, of course, there was some provision in
9 the Constitution that said that the Legislature must
10 be advised by the Attorney General.

11 MR. MILLER: Must.

12 THE CHAIRMAN: Any further comment on those
13 questions? If not, Judge Adkins, go ahead to the
14 question of Lieutenant Governor.

15 JUDGE ADKINS: The next recommendation that
16 your committee makes is that the Constitution should
17 create the office of Lieutenant Governor.

18 We feel that there is a desirability to have
19 a second statewide elected official, since we have just
20 cut the heads off of two of them, we feel we would like
21 to create one. The Lieutenant Governor would under the

1 Constitution have such powers as would be assigned by
2 the Governor. He would as Governor Lane raised earlier
3 under our thinking, be a member of the same party as
4 the Governor and they would run together, so you would
5 not have the possibility of friction within the office.
6 We think that this also could provide a reasonable
7 training ground for future gubernatorial candidates.
8 We think it also permits an orderly succession to the
9 Governorship in the event of death or disability, a
10 matter which is now, while Maryland has never faced the
11 problem, it is a matter that is pretty cumbersome at
12 the moment, so our recommendation is that the office of
13 Lieutenant Governor be created. I move you, sir,
14 that this Commission approve the creation of the office
15 of Lieutenant Governor.

16 THE CHAIRMAN: Any questions?

17 MR. CASE: I have a question.

18 THE CHAIRMAN: Mr. Case.

19 MR. CASE: If the Commission goes along with
20 this recommendation, what would be, or put it in a more
21 broad sense, if the Constitution were adopted containing

1 such provision, what effect, if any, would it have on
2 the office of Secretary of State and have you given any
3 consideration to perhaps transferring some of the more
4 formal duties of the Secretary of State to this particu-
5 lar office?

6 JUDGE ADKINS: We have not.

7 MR. POWER: The Constitution of Alaska creates
8 the office of Secretary of State and the Secretary of
9 State is almost identical to our Lieutenant Governor.
10 It is just a question of label. In our third recommenda-
11 tion I think we suggest that the office of Secretary
12 of State ought to be constitutionally abolished. I
13 don't think we are really too concerned about the label
14 for this office but we thought Lieutenant Governor was
15 more expressive than Secretary of State.

16 MR. CASE: So that I am correct in thinking
17 that the new Lieutenant Governor would in fact pick up
18 a great many of the duties of the Secretary of State?

19 MR. POWER: Yes.

20 THE CHAIRMAN: Dr. Winslow?

21 DR. WINSLOW: May I raise the question, sir,

~~as to whether the Committee is considering the matter~~

THE JACK SALOMON REPORTING SERVICE

100 Equitable Building
Baltimore 2, Maryland

1 of Secretary of State and Lieutenant Governor have
2 taken into consideration what is becoming a trend in
3 certain areas of creating an administrative management
4 office, nonpolitical such as is true in Philadelphia
5 and New York, an official who would take over, I should
6 think, not only the duties which we are thinking of as
7 those of Lieutenant Governor, but duties which would go
8 much farther in the field of management.

9 JUDGE ADKINS: Doctor, I think it is fair to
10 say we have not considered that as a constitutional
11 matter. We have discussed the problem very generally
12 but here again we have felt that that was a matter
13 better left to those persons working in the field of
14 reorganization of existing functions of the State rather
15 than the constitutional level, because what might work
16 today might not necessarily work in ten years.

17 DR. WINSLOW: What I was thinking was what
18 you are referring to in terms of Lieutenant Governor
19 does relate to the same field of area of activity except
20 for succession.

21 JUDGE ADKINS: I think we have felt, I think

1 it is fair to say that our Commission has felt that
2 aside from more or less formalistic duties, the Lieutenant
3 Governor should not be in position to be a policy offi-
4 cial except within the areas the Governor describes,
5 because immediately you do that it seems to us that you
6 then get a hybrid or hydra-headed situation, where policy
7 can fall between two officials.

8 We haven't wanted to assign by the Constitution
9 policy jobs to a Lieutenant Governor, for the simple
10 reason that we didn't want that conflict of authority.
11 I don't know whether that is pertinent to your inquiry
12 or not.

13 DR. WINSLOW: The office that I am talking
14 about would normally be under the direction of the
15 Governor. It would not be a separate policy making
16 agent, except as the Governor would allow him to become.
17 I was only thinking in terms of the duties of such an
18 administrator in terms of what you are thinking, that
19 the Lieutenant Governor would do.

20 JUDGE ADKINS: I think that is a matter that
21 we can very properly put on our agenda for further

1 consideration. I can't say we have explored it in
2 depth up to this point.

3 THE CHAIRMAN: Dr. Bard.

4 DR. BARD: There are two minor points that
5 I would like to call to your attention. First, at the
6 Constitutional Convention of 1864, they asked the same
7 question as to whether the Secretary of State should be
8 abolished, and decided that when the Lieutenant Governor-
9 ship was established in 1964, and they decided not to
10 abolish it. My own feeling is that we ought not at
11 this stage get these two things mixed up. I like the
12 idea of just establishing the Lieutenant Governor
13 without putting in the way the abolition of the Secretary
14 of State at this point.

15 Secondly, I would like to say in answer to
16 Dr. Winslow's statement that some of us who were
17 tied in with the charter revision of Baltimore City had
18 this same question to ask in regard to the administra-
19 tive officer. The administrative officers are being
20 created in large cities all over the country. I feel
21 that this is a highly important office, though I feel
like Judge Adkins that I would not give the Lieutenant

1 Governor policy making authorization at this time,
2 because it would be perfectly possible that this man
3 could have his eye toward the Governorship for the next
4 election, and second to take over some of the powers of
5 the Governor. This was the kind of discussion that got
6 into our own charter revision commission deliberations
7 and we ultimately decided not to do this.

8 I think the Committee on the Executive
9 Department is wise in not establishing a Lieutenant
10 Governorship which would have that kind of a thought.

11 THE CHAIRMAN: Mr. Miller?

12 MR. MILLER: I would like to ask Judge Adkins,
13 does your Committee contemplate giving any specific
14 duties, other than the right or the duty of succession
15 in the event of something happening to the Governor; is
16 he to preside like a vice president over the senate or
17 has he any specific constitutional duties in your
18 thinking?

19 JUDGE ADKINS: The report, which will come
20 on shortly, will prescribe the language that we have in
21 mind but to answer your question, I would say he shall

1 perform such duties as may be prescribed by law and as
2 may be delegated to him by the Governor.

3 MR. MILLER: And nothing more in the
4 Constitution?

5 JUDGE ADKINS: Nothing more in the Constitution.

6 THE CHAIRMAN: Any further questions?

7 MR. CASE: I would like to say, Mr. Chairman,
8 in answer to my good friend Harry Bard, I think that
9 these recommendations are necessarily joined. It
10 seems to me that if you are going to have a Lieutenant
11 Governor and continue on with the Secretary of State
12 too that the Lieutenant Governor is going to be a
13 worse figurehead than the Secretary of State is. That
14 is bad enough.

15 JUDGE ADKINS: Our next recommendation will
16 recommend the abolition of the Secretary of State.

17 MR. CASE: I know it does. I am applauding
18 this and suggesting to the Committee that they ought to
19 think of them together and not separately as Harry Bard
20 suggested, because to me, unless you give this fellow
21 something to do, it is just going to be a nice haven for

1 aspiring young politicians or old hags.

2 JUDGE ADKINS: The political arm of the
3 Governor's office, the man who runs the political
4 machinery of the State of his particular party.

5 MR. CASE: Nobody will be interested in
6 taking this job other than for purposes of purely
7 advancement in the political arena. Maybe this is
8 the only reason. It seems to me that certainly there
9 ought to be something more than just a figurehead, the
10 Lieutenant Governor, and I think the Committee envisaged
11 this as such.

12 THE CHAIRMAN: Any further questions or
13 comment?

14 MRS. FREELANDER: Question.

15 THE CHAIRMAN: Are you ready for the question?
16 The question arises on the recommendation that the
17 Constitution should provide for the creation of the
18 office of Lieutenant Governor as an elected official.
19 All those in favor signify by saying aye. Contrary, no.
20 The ayes have it. It is so ordered.

21 The next recommendation, Judge Adkins.

1 JUDGE ADKINS: The next recommendation is
2 contained on Page 4 and is somewhat duplicative of the
3 discussion of the action we have taken. We have dis-
4 cussed the other constitutional executives, or other
5 constitutional officers within the Executive Department,
6 Secretary of State, State's Attorneys, provided in the
7 Constitution, State Treasurer, Comptroller, State
8 Librarian and the Commission of the Land Office.

9 Our recommendation is that the Constitution
10 be silent as to the creation or to the appointment of
11 these offices. In other words, that no Executive
12 Department or agency shall be constitutionally created.

13 THE CHAIRMAN: May I ask you to elaborate a
14 little? Would this mean that with the office of
15 State's Attorney, for instance, that the office would
16 be created or not by the Legislature and the State's
17 Attorney would be elected or appointed as decided by
18 the Legislature?

19 JUDGE ADKINS: We think that would be as
20 provided by law. There would be no prohibition against
21 him being elected and to all intents and purposes, he

1 would undoubtedly continue to be elected.

2 MRS. BOTHE: Probably Mrs. Freedlander was
3 going to point out the same thing, that the Commission
4 has already acted with reference to the State Librarian
5 question and abolished it already.

6 Would county suveyors be another one of
7 these offices?

8 JUDGE ADKINS: If they are constitutional
9 offices, I would certainly recommend they be abolished.

10 MRS. BOTHE: They were assigned miscellaneously
11 to our Committee. We haven't made a recommendation but
12 I am sure that is what it will be.

13 JUDGE ADKINS: We will support your recommen-
14 dation.

15 MR. CASE: Let's just abolish these today.

16 MR. MILLER: The same as to coroners.

17 MRS. BOTHE: I suggest we throw it in right
18 now so we don't have to bring it in at a future time.

19 THE CHAIRMAN: Are you willing to include
20 that in your recommendations?

21 JUDGE ADKINS: Yes; county surveyor be one of

1 those offices abolished. I move you, sir,
2 that our third recommendation be adopted.

3 MR. SCANLAN: Second.

4 THE CHAIRMAN: Do you have the reference,
5 Mrs. Bothe?

6 MRS. BOTHE: I will have it in just a minute.
7 We also have coroners that have ^{been} abolished by earlier
8 action of the Commission.

9 MR. CASE: Mr. Chairman --

10 MRS. BOTHE: It is Article 7, Section 2.

11 JUDGE ADKINS: May I point out, Mr. Chairman,
12 I think if the language of our report is adopted, that
13 we may have been lax in our homework and not listed all
14 the important officers that we'll abolish, we have
15 recommended no Executive Department or agency shall be
16 constitutionally created. If these are considered
17 Executive Departments or agencies, they will be covered
18 by the language of our third recommendation.

19 THE CHAIRMAN: I am not clear on this. Is
20 your recommendation as thus amplified going to mean that
21 there will be no other constitutionally created executive

1 offices?

2 MR. CASE: It doesn't say that. It says
3 none of these offices.

4 THE CHAIRMAN: That is right. That is why
5 I am asking what his amplification meant.

6 JUDGE ADKINS: The language of this report
7 reads as follows: No Executive Departments or agencies
8 should be constitutionally created. I will be glad to
9 have the reporter elaborate on that.

10 THE CHAIRMAN: Professor Power.

11 MR. POWER: I see the inconsistency you are
12 pointing to. My intent in drafting this, and I think it
13 was the Committee's recommendation was, that all of
14 these Executive Departments, agencies, commissions, et
15 cetera, need not be constitutionally created. I
16 suppose we have withdrawn from this recommendation the
17 office of Comptroller and the office of Attorney
18 General, so with this modification, what I intend to do
19 is to say there need be no constitutional mention of
20 the itemized Executive Departments.

21 THE CHAIRMAN: I take it you are not extending

1 that to the other officers that are perhaps not execu-
2 tives, such as coroners and advisers, which are out any-
3 how but there are others under the judicial article?

4 MR. POWER: Yes.

5 THE CHAIRMAN: Mr. Case.

6 MR. CASE: May I say , Mr. Chairman, that it
7 seems to me that this last sentence in Recommendation
8 No. 3 goes much further than really the Commission
9 ought to be asked to go today.

10 No Executive Departments or agencies --
11 we have been talking in terms or with reference to
12 specifics here up to now. Now you want to go the whole
13 gamut of other agencies and departments, the existence
14 of which are in doubt. A lot of people around here, I
15 am sure, wonder just what they would be voting on and
16 I would think that is too broad a thing to ask the
17 Commission to vote on at this time. It seems to me it
18 is perfectly fine to vote on the elimination of these
19 specific ones that have been listed here but to go the
20 whole way and then somebody sometime at a later date come
21 in with the idea, here is a fellow here that really ought

1 to be in the Constitution and be faced with the thought
2 we have already voted on it to me is not right.

3 THE CHAIRMAN: It seems to me there is con-
4 siderable force in what you say.

5 JUDGE ADKINS: I think there is sufficient
6 force so I would rephrase the motion to limit the impact
7 of the motion to those offices specifically set forth
8 in our comment under Recommendation 3, with the
9 exception of the Attorney General and the Comptroller
10 which have been referred back to the Committee for
11 further coordination and consideration.

12 THE CHAIRMAN: Would you add to your list
13 the county surveyor?

14 JUDGE ADKINS: I would be glad to add to
15 my list the county surveyors and the coroners.

16 THE CHAIRMAN: Coroners are acted on.

17 JUDGE ADKINS: I will add those to the list.
18 is

18 THE CHAIRMAN: The motion^{is} not to provide in
19 the constitution for the creation of the offices listed,
20 plus that of county surveyor, which is created under
21 Article 7, Section 2.

1 Any further question or comment? Are you
2 ready for the question?

3 MR. CASE: Question.

4 THE CHAIRMAN: All those in favor signify
5 by saying aye. Contrary, no. The ayes have it. It
6 is so ordered.

7 Does that conclude your report?

8
9 JUDGE ADKINS: That concludes the third
10 report of the Committee.

11 THE CHAIRMAN: All right, may we go ahead now.
12 Judge Adkins, the fourth report.

13 JUDGE ADKINS: The fourth report is an
14 attempt to propose language which implements the
15 recommendations which the Commission has heretofore
16 acted on. I am empowered to suggest to you the
17 Commission has not acted on all of them. Maybe that is
18 right.
19

20 The first section is the creation of executive
21

1 offices and says the executive power of the State is
2 vested in the Governor. I suppose, Mr. Chairman, you
3 want to take these up one by one?

4 THE CHAIRMAN: I think it would be better.
5 Any question as to Section 1?

6 MRS. FREEDLANDER: Question.

7 THE CHAIRMAN: In order to save time, unless
8 there is a question or discussion and some necessity of
9 taking a vote, I will not take a vote. I will assume
10 that it is approved. Go ahead, Judge Adkins.

11 JUDGE ADKINS: With relation to the qualifi-
12 cations the Governor, the Governor shall be at least thirty
13 years of age and shall have been a registered voter
14 in the State at least two years immediately preceding
15 his election. No person who has been elected Governor
16 two full consecutive terms shall be eligible to hold
17 that office until one full term has intervened.

18 THE CHAIRMAN: Do you want to make any
19 comment?

20 JUDGE ADKINS: I have no comment except to
21 say the Commission earlier approved in principle the

1 two-term limitation.

2 THE CHAIRMAN: Any question? Any comments?

3 MR. CASE: Two years.

4 MR. SAYRE: Two terms.

5 MR. CASE: Two years immediately.

6 JUDGE ADKINS: That is right, residence
7 requirement, that is right. I think this is really
8 a statement of what the Commission has already adopted
9 in principle.

10 THE CHAIRMAN: Any further question? If
11 not, the next section.

12 DR. BURDETTE: I should like to be recorded
13 as opposed to the limitation on term. I realize the
14 Commission adopted it but I voted against it and I
15 am still going to vote against it.

16 THE CHAIRMAN: All right, any further comment?
17 The next section.

18 JUDGE ADKINS: The Lieutenant Governor shall
19 have the same qualifications as the Governor and serve
20 for the same term. He shall perform such duties as may
21 be prescribed by law and as may be delegated to him by

1 the Governor.

2 THE CHAIRMAN: Judge Adkins, on that, could
3 you comment on whether one person could be elected
4 Governor, then Lieutenant Governor, then back to
5 Governor again?

6 MR. CASE: That is covered..

7 THE CHAIRMAN: I know he has.

8 JUDGE ADKINS: It is our considered opinion
9 that he cannot be.

10 DR. BURDETTE: Where is this language,
11 Judge Adkins, preventing that?

12 MR. POWER: I am not sure I understand the
13 question. Could you repeat it, please?

14 JUDGE ADKINS: Could he be elected Governor,
15 Lieutenant Governor?

16 THE CHAIRMAN: Your comment three, I wanted
17 you to bring it out because I am not sure everybody
18 has noted it.

19 MR. POWER: What I was attempting to say
20 in my comment three was this: We have placed a two-
21 term limit on the Governor. That would mean then in light

1 of this language of this section, if a man had served
2 two popularly elected terms as a Governor, he would then
3 serve as Lieutenant Governor in the succeeding term,
4 because he must have the same qualifications as to
5 Governor and since the Governor could not succeed him-
6 self, nor could the two-term Governor serve as Lieutenant
7 Governor in the third term.

8 MR. SCANLAN: That would not prevent the
9 Lieutenant Governor from serving three, four, five, or
10 six terms as Lieutenant Governor?

11 MR. POWER: That is right.

12 MR. MARTINEAU: Nor would it prohibit the
13 Lieutenant Governor from serving two terms as Lieutenant
14 Governor and moving up to Governor?

15 MR. POWER: That is right.

16 DR. BURDETTE: If you say the Governor couldn't
17 be Lieutenant Governor, how do you say the Lieutenant
18 Governor could be Lieutenant Governor for three
19 successive terms?

20 JUDGE ADKINS: There is no limitation on the
21 Lieutenant Governor's tenure of office.

1 DR.BURDETTE: I realize that. That I am
2 not sure in my own mind that there is any absolute
3 clear prohibition to the situation that you discussed,
4 that Lieutenant Governor couldn't be the former Governor.

5 THE CHAIRMAN: I take it that what Mr. Power
6 was saying is since the Lieutenant Governor must possess
7 the qualifications to be Governor, if he had served as
8 Governor for two terms he was therefore not qualified
9 to be Governor. Hence he could not qualify as Lieutenant
10 Governor.

11 DR. BURDETTE: That is very dubious as to
12 whether it is a qualification or explanation. I should
13 think the Court of Appeals would wrestle with that one.

14 MR. MELVIN: Mr. Chairman, I would agree with
15 Judge Burdette on that. I don't see where the Lieutenant
16 Governor is prevented or where a Governor who has served
17 two terms cannot immediately be a Lieutenant Governor
18 for another four years. I don't see the language that
19 prevents that.

20 MR. CASE: It is there but it is a little
21 tough.

1 DR. BURDETTE: It is hinted.

2 MR. CASE: It revolves around the word
3 qualifications.

4 THE CHAIRMAN: Mr. Martineau?

5 MR. MARTINEAU: I don't know whether this helps
6 or not but it might help to say that shall have the
7 qualifications listed in the preceding section, but refer
8 to the section.

9 DR. BURDETTE: I am not sure. I am basing
10 my dubiety on the decision of many courts, that regis-
11 tration as required of voters is not a qualification for
12 voting, but an administrative addition of demonstrating
13 qualifications. I think this language could be clearer.

14 JUDGE ADKINS: May I say that with this
15 discussion it seems to me if the minds around this table
16 don't find this proposition evident, the best thing we
17 can do is change the language, because I think it is
18 pretty apparent that everybody wants that limitation
19 and if there is doubt about it, I think it is a fairly
20 easy matter to clarify. I would suggest it would be
21 well we approve it in general with the understanding

1 we make clarification.

2 THE CHAIRMAN: All right, the section would
3 be redrafted to make it abundantly clear that no one
4 who would serve two terms as Governor could be elected
5 as Lieutenant Governor. With that understanding --

6 MR. MILLER: Within the four years.

7 THE CHAIRMAN: Except by an intervening
8 term, a term intervening, full term intervening.

9 JUDGE ADKINS: Do you think we should prohibit
10 members of his immediate family from running?

11 THE CHAIRMAN: Any further questions about
12 that section? Any comments? Move on to the next
13 one, Judge Adkins.

14 JUDGE ADKINS: Next recommendation is the
15 method of nomination of election of Governor and
16 Lieutenant Governor.

17 The Governor and Lieutenant Governor shall be
18 nominated in the manner provided by law. The Governor
19 shall be elected at the general election, every other
20 even-numbered year, by direct vote of the people, for a
21 term of four years beginning on the third Wednesday of

1 January next following his election. The candidate
2 receiving the highest number of votes shall be elected.
3 In case of a tie vote, the selection of the governor shall
4 be determined in accordance with law.

5 Votes cast for a candidate for Governor
6 shall be considered as cast also for the candidate
7 for lieutenant governor running jointly with him in the
8 general election. The candidate whose name appears on
9 the ballot jointly with that of the successful candidate
10 for governor shall be elected lieutenant governor.

11 I might make a couple of comments. You will
12 note we provided the terms beginning on the third
13 Wednesday of January next following his election, which
14 is concurrent now with the beginning of the Legislature,
15 and unlike the present system. We think that there is
16 merit in having the Chief Executive and the new
17 Legislature assume office concurrently, rather than the
18 staggered system that now exists. We also have eliminated
19 the rather cumbersome language in the present constitution
20 relative to a tie vote. We have recognized in our opinion
21 it to be completely remote but nonetheless conceivable

1 that in the possible event of a tie it could be referred
2 to the Legislature for decision.

3 MR. MARTINEAU: I have one question. Should
4 (a) be candidates for Governor and Lieutenant Governor?

5 JUDGE ADKINS: I think that comment is a
6 good one.

7 THE CHAIRMAN: That might clear the question
8 I had in mind. Maybe it wouldn't. Is it sufficiently
9 clear that you are not talking about primary election
10 in (c)?

11 JUDGE ADKINS: We debated that at some length.
12 We thought we had clarified it by adding the words, in
13 the general election. In the original draft that
14 language was not present and the question was raised
15 as to whether or not by implication at least this would
16 apply to it. We thought it would not by adding that
17 language.

18 DR. BURDETTE: Why not transpose, general
19 election, until after the first line of (c) making it a
20 little clearer?

21 JUDGE ADKINS: Would you be a little more

1 specific, Doctor?

2 DR. BURDETTE: Votes cast for a candidate for
3 Governor in the General Election shall be considered
4 as cast also for the candidate running jointly, running
5 jointly with him, period.

6 MR. MILLER: Have you carried it into the
7 primary stage? Have you thought of the possibility of
8 a man being nominated by his party for Governor and
9 there being no candidate for Lieutenant Governor?
10 How do you get him on the ballot in the joint way without
11 a convention system?

12 JUDGE ADKINS: We thought about it. We haven't
13 come up with any answer to it.

14 DR. BURDETTE: The answer is by law.

15 MR. MILLER: Your thought is that you will
16 provide. I can see where somebody could conceivably be
17 running on two tickets as a Lieutenant Governor for
18 example.

19 DR. BURDETTE: Congressman Miller is now touch-
20 ing on a point that I wanted to ask the Committee about.
21 This goes beyond that. I felt, Congressman Miller, that

1 law should provide for vacancies. Certainly the vacancy
2 might occur from the death of a nominee, and I should
3 think myself that we could leave that problem to the
4 Legislature acting by law, but I would like to ask the
5 Committee another question. I have not read until the
6 past half hour this proposal, and it seems to me to
7 originate from the system we have in the National
8 Government, but not on the same foundation. You see,
9 we now have -- we haven't had very long but we now have
10 an arrangement that the candidate for vice president is
11 almost certainly acceptable to the candidate for presi-
12 dent. We would have no such arrangement as that here at
13 the present time. It might very well be that one faction
14 of a party would win the Gubernatorial nomination and
15 another faction win the Lieutenant Gubernatorial
16 nomination and therefore they are elected together.
17 What concerns me, aren't we getting into trouble about
18 this being a relative? I don't have the answer. I
19 just have a perturbation.

20 JUDGE ADKINS: I have no answer to that
21 because that lies within the realm of personalities of the

1 individuals and the parties at that time.

2 MR. MILLER: Would this solve it, to provide
3 there would be no primary for the Lieutenant Governor
4 and the Lieutenant Governor would be selected by the
5 convention of the party that won the nomination?

6 JUDGE ADKINS: I think our thinking would
7 be that the problem is more apparent than real, and it
8 will be worked out in the market place without really
9 very much difficulty. It is true you may get a Lieutenant
10 Governor of one faction and a Governor of another faction
11 but this is not necessarily bad.

12 DR. BURDETTE: It is bad if you want the
13 delegate by authority, the Lieutenant Governor, if that
14 is really part of your thinking.

15 MR. MILLER: It would be bad if you didn't
16 have a two-party system where if the two were too
17 incongruous the opposing candidate might go in.

18 THE CHAIRMAN: Mr. Sayre.

19 MR. SAYRE: We discussed whether the people
20 ought to win in the primary or whether it ought to be
21 through a convention, and because it was felt that it

1 is hard to say which would be better at a particular
2 time, that if you simply have provided by law, this will
3 take care of whatever is deemed the desirable way, you
4 see.

5 MR. MILLER: Yes. In other words, this
6 language would make it possible for them to be nominated
7 by a convention.

8 MR. SAYRE: That is correct.

9 MR. MILLER: Rather than by direct primary?

10 JUDGE ADKINS: Sure, as far as nominations
11 are concerned.

12 MR. MILLER: As far as it goes, that would
13 solve the problem as of now.

14 DR. BURDETTE: Wouldn't some court bring up
15 the point that since this is covered in a, that the
16 Constitution means the Governor and Lieutenant Governor
17 shall be nominated in the same manner as provided by
18 law? It doesn't say manners.

19 MR. MILLER: Let's make it manners.

20 THE CHAIRMAN: Any further comment?

21 MR. CASE: I have one, not on this particular

1 subject.

2 THE CHAIRMAN: On this section.

3 MR. CASE: I have some concern, I really
4 don't know how deep it is, but I would like to hear some
5 discussion from you and other members of the Commission
6 on the provision that breaks the tie vote in (b); here
7 you say in case of tie vote the selection of Governor
8 shall be determined in accordance with law. My recollec-
9 tion is that both the Federal and our present Constitu-
10 tion specify how the tie should be broken, and I think
11 perhaps there were some very good reasons for this;
12 some of the constitutional authorities around the
13 table would know more about the history than I and might
14 fill us in on that. It does seem to me that this is
15 a pretty important thing, and while I fully am cognizant
16 of the fact that we are saying that everything we can't
17 really find an answer to shall be provided by law in
18 the Constitution, yet I would think that if this group
19 and finally, ultimately the convention thinks that
20 really it ought to be by an election of the House and
21 Senate, all members elected should select or break the

1 tie, then what harm is there in saying so? I would
2 like to hear some discussion, because this is quite
3 a departure from our present practice.

4 JUDGE ADKINS: I will speak to that as far
5 as the Committee is concerned. First of all in
6 relation to the Federal Government, it seemed to us that
7 the possibility, mathematical possibility of a tie vote
8 there is substantially greater in view of the electoral
9 college and freedom of the electoral college to vote more
10 or less as they choose; surely within the concept of the
11 framers of the Constitution so the possibility of getting
12 a tie vote among 50 people is much greater than among
13 200,000 people, so that we didn't feel it necessary to
14 follow the procedure prescribed in the Federal
15 Constitution. It seemed to us that the mathematical
16 probability of having a tie vote among the two to three
17 hundred thousand votes cast was so completely remote that
18 it did not justify a detailed section of the Constitution
19 providing for its solution. We could be wrong.

20 MR. CASE: Even a sentence?

21 JUDGE ADKINS: We have got a sentence, shall

1 be determined in accordance with law. Our thought would
2 simply be that there would be perhaps a follow-up legis-
3 lation passed by the Legislature. I don't think we feel
4 this is not a point on which we are at all adamant. If
5 you want to spell it out in the Constitution, we would
6 be very happy to prescribe much the same procedure as
7 now is, namely --

8 MR. CASE: Majority vote of the House and
9 Senate combined.

10 JUDGE ADKINS: That is right, majority vote
11 of the Houses.

12 DR. BURDETTE: I hope you tighten that language
13 because this sentence you have in no way limits the law
14 to deal with the two persons involved in the tie. The
15 law prescribes some other means choosing some other
16 candidate.

17 MR. SCANLAN: You have to have a little faith
18 in the Legislature. If we are going to put restrictions
19 to hedge against every possibility, including the highly
20 unlikely mathematical probability that Dale referred to,
21 you would have a document as long as the one we are trying

1 to get rid of.

2 DR. BURDETTE: I am not trying to get a long
3 document, Mr. Chairman. I am supposing what is likely
4 to happen is there would be no tight law because people
5 don't like to deal with such an improbability and the
6 law might have to be prepared after the situation arose.
7 Then it might be quite possible to get the Legislature
8 to enact a law and have somebody else limit it to two
9 tied persons considered.

10 THE CHAIRMAN: Mr. Bond.

11 MR. BOND: As a member of the Committee, I
12 was for excluding the sentence altogether. I mean
13 to have a tie vote among all the voters in Maryland, it
14 is not only remote, it is practically impossible, and we
15 are trying to have a succinct concise constitution and to
16 put a whole section in on the very unlikely and remote
17 possibility seems to me to be ridiculous.

18 MR. MARTINEAU: Wouldn't the Legislature be
19 necessarily authorized to deal with this by law, if the
20 occasion arose, without even mentioning or including
21 the language?

1 MR. SAYRE: I would think so.

2 JUDGE ADKINS: I am not at all sure of that.
3 I just don't know.

4 MR. BOND: Your model Constitution, Mr.
5 Chairman, is silent on this item.

6 THE CHAIRMAN: I didn't hear the last part.

7 MR. BOND: The model Constitution I am
8 practically positive is silent on this point.

9 THE CHAIRMAN: I would like to ask this question,
10 Judge Adkins. I share Mr. Case's concern about this.
11 It seems to me the only reason for not providing for
12 it in the Constitution would be some notion that there
13 ought to be flexibility. Is there any such view?

14 JUDGE ADKINS: No. I don't think that is a
15 fair statement. I don't think it was a question of
16 flexibility at all. I think we would be basically not
17 unhappy to see the solution that is now before us. We
18 simply felt that it was so mathematically improbable,
19 that we didn't see the point in devoting a lot of space
20 and time in the Constitution to it. I was not firmly
21 of that opinion. I felt more as the Chairman suggested.

1 THE CHAIRMAN: It seems to me if I could make
2 the suggestion, the space would only be negligible.
3 Take out a few words here and put in a few other words.
4 I would like to suggest that you might very well want to
5 not follow the suggestion of Professor Burdette, and
6 leave to the Legislature the selection of a Governor
7 who would not be one of those whose votes were tied.

8 MR. BOND: I didn't hear the last.

9 THE CHAIRMAN: Not be one of the two candi-
10 dates who had tied.

11 MR. CASE: I would certainly like to see,
12 Mr. Chairman, some more research done on this point, if
13 we are going to break with precedent, both Federal and
14 State. Cal Bond may think that a close vote is ridi-
15 culous but I can tell you in 1954 Sibert won Kent County
16 by one vote and by that one vote he got three electoral
17 votes and by three electroal votes he got nominated, so
18 one vote nominated him.

19 MR. BOND: The law could be changed.

20 MR. CASE: On that particular point but the
21 law hasn't been changed and it is not ridiculous in that

1 sense of the word. It just seems to me it would be a
2 very simple thing to write one sentence to cover this.

3 THE CHAIRMAN: What is the question on
4 which you would want research?

5 MR. CASE: As to what other states are doing
6 in this area. It seems to me that it may be a ghost.

7 MR. MILES: In case of a tie what is wrong
8 with having the Legislature be elected at the same time
9 of the tie vote election decide it.

10 MR. CASE: I think that would be fine. I
11 think that is what I am in favor of, not what it says
12 here.

13 THE CHAIRMAN: Judge Adkins.

14 JUDGE ADKINS: You have any objection that
15 we do this?

16 MR. SAYRE: No. I was going to propose
17 language to see if we could get somewhere. Could I
18 propose something?

19 JUDGE ADKINS: The Committee in a very informal
20 poll seems to have no strenuous objection.

21 THE CHAIRMAN: Do you want it referred back

1 or do you mean do something specific?

2 JUDGE ADKINS: We will rewrite it to add
3 additional language to provide in the event of a
4 tie vote the matter shall be referred to a majority vote
5 of the joint houses of the then elected Legislature.

6 MR. SCANLAN: Suppose they tie.

7 THE CHAIRMAN: Mr. Sayre?

8 MR. SAYRE: Without having the precise grammar
9 I would like to propose that we simply have, in case of
10 a tie vote the selection of the Governor shall be deter-
11 mined in accordance with a majority vote of both houses
12 meeting jointly.

13 JUDGE ADKINS: Among the candidates.

14 MR. SCANLAN: Which house?

15 THE CHAIRMAN: In view of the discussion it
16 seems to me that the question should be referred back
17 to the Committee.

18 MR. SCANLAN: May I ask one question? I
19 would like someone to tell me when there was a tie vote
20 and a popular vote for the election of Governor in any
21 state in the Union since the year 1860?

1 DR. BARD: It never occurred.

2 JUDGE ADKINS: Any other public office.

3 DR. BURDETTE: Some of the states even had a
4 draw.

5 THE CHAIRMAN: Mr. Della.

6 MR. DELLA: I know there have been a number
7 of states that have had tie votes among the popular
8 votes, and in some instances they have gone to the general
9 assembly for a solution to the problem. In my recollec-
10 tion, far as I know, there has been six, seven, or
11 eight in the last hundred years.

12 THE CHAIRMAN: Mr. Adkins, would you please
13 consider this section as referred back to the Committee
14 and will you also in response to the questions asked
15 have some research done on the question of what other
16 states now provide and also whether there have been any
17 tie votes in election of Governor or Lieutenant Governor
18 in the past hundred years?

19 JUDGE ADKINS: Would it be acceptable if we
20 wrote the section to meet the objections without doing
21 the research?

1 THE CHAIRMAN: I think the same question is
2 going to be raised. We are going to have to have research
3 anyhow. We will undertake to do it for you.

4 Dr. Bard?

5 DR. BARD: I have a question on an entirely
6 different area in this matter.

7 THE CHAIRMAN: The same section?

8 DR. BARD: Yes. This ties in with the
9 Legislative Department's recommendation. I would like
10 some explanation. I believe I understand the reasoning.
11 As I note here, in parenthesis b, beginning on the third
12 Wednesday of January next following his election, Judge
13 Adkins, this would mean that the Governor would take
14 office at the same time as the Legislature goes into
15 session. At the present it is the reverse, by a week or
16 so.

17 JUDGE ADKINS: The Governor takes office a
18 week or ten days after. I am sorry.

19 DR. BARD: You are right. It is after. Now,
20 my question is as follows: When we discussed this, we
21 had a notion that you were going to do this, but we

1 thought perhaps you might even want to go previous to the
2 third Wednesday in order to give them some time in
3 advance of the Legislature coming in. Did you discuss
4 that at all?

5 JUDGE ADKINS: We discussed that. We could
6 see no particular reason for that. The main problem
7 would be a budgetary problem, making up the budget but
8 all of the former Governors with whom we discussed the
9 matter have indicated the budget procedure is sufficiently
10 well established now so they are almost in constant
11 contact with the budget bureau from the date of
12 election. There is no real problem. Moreover, some of
13 the Governors expressed the thought that they would
14 like to have the period as much preparatory time prior to
15 actually assuming the office as they could have. The
16 reason for making it concurrent with the Legislature,
17 we felt that this week or so period, with a lame duck
18 Governor and a new Legislature would not be a particularly
19 healthy condition; that there could be potential problems
20 arise out of it.

21 DR. BARD: We agree with that. That is why we

1 wanted to even it out. You kind of surprised us by
2 not moving it ahead a week.

3 JUDGE ADKINS: We had nobody in testimony
4 before us express any urgency to have it prior to the
5 incoming Legislature.

6 THE CHAIRMAN: Mr. Della.

7 MR. DELLA: I would like to ask, maybe Governor
8 Lane can help us, would this create any real confusion
9 in the General Assembly, because that is the first
10 day they are in, reorganizing their committees and such
11 as that, and at the same time inauguration of the Governor.

12 GOVERNOR LANE: My recollection is the Governor
13 goes to work as soon as he is elected; a little bit more
14 time would be helpful, particularly in reference to the
15 budget. I think it is desirable and I think the
16 experience has been that each retiring Governor has been
17 very helpful in giving him free access to anything he has
18 in order to get ready.

19 MR. DELLA: I understand that. The only point
20 I was trying to raise, would this be creating any confusion
21 of having the General Assembly meet and get together at

1 the same time you are having the inauguration of the
2 Governor?

3 THE CHAIRMAN: The same day?

4 GOVERNOR LANE: The Legislature might be
5 slow in getting organized. That is the only problem that
6 he would have, and to the extent that he would be help-
7 ful, he has got to do his homework in that direction
8 before they get there and in addition to that, probably
9 the pleasantest thing to do when they get there is
10 for the Governor to give a reception, for the incoming
11 Legislators; it promotes good feeling.

12 THE CHAIRMAN: Before we leave this section,
13 I would like to ask a question of Mr. Gentry or Professor
14 Asper. I simply don't remember whether Paragraph (b)
15 of this section is either in conflict or duplication of
16 the provision in the elected franchise article as to the
17 election of state officers.

18 PROFESSOR ASPER: It is not in conflict.

19 THE CHAIRMAN: Is it a duplication?

20 MR. GENTRY: We have a provision for date of
21 elections. That is the only one that comes close to this.

1 THE CHAIRMAN: I thought there was some
2 general provision that all state officials should be
3 elected on such a day for such and such a term.

4 MR. GENTRY: The Commission eliminated the
5 term.

6 THE CHAIRMAN: Mr. Sayre.

7 MR. SAYRE: I went along with the Committee
8 recommendation that the Governor assume office on the
9 date the Legislature convened, but I personally favored
10 that the Governor assume office 30 days after elected,
11 and I wonder, Governor Lane, whether there might be
12 merit in actually assuming office prior to the Legisla-
13 ture.

14 GOVERNOR LANE: He has got to do it anyhow
15 whether he assumes or whether he doesn't. I was
16 elected twice. I was elected when Governor O'Connor
17 had to qualify in the Senate, so the Legislature elected
18 me for about seven days and then I was reinaugurated.

19 MR. SAYRE: From an administrative point of view
20 it would seem to me better to really be Governor prior
21 to the time that the Legislature convened, just because

1 of this budgetary problem.

2 GOVERNOR LANE: No. If you arm him with
3 authority, you are tending to create a dictator atmosphere,
4 and then it takes longer than that to get acquainted.
5 I don't know if I make myself clear.

6 MR. SAYRE: The way this ^{is} is/all right then.

7 GOVERNOR LANE: I think so.

8 MR. MILLER: Question.

9 THE CHAIRMAN: Are you ready for the next
10 section?

11 DR. BARD: Under Roman Numeral I, when you
12 say next section, I assume you mean Roman Numeral I.
13 I don't see anything in here dealing with succession and
14 in the present Constitution there are two sections under
15 Article 2 that deal with the matter of succession.
16 Judge Adkins might tell us about that. We did deal with it
17 in the third or fourth but is it to be written formally
18 into this fourth record?

19 JUDGE ADKINS: It is not in the fourth report.
20 I thought it was. I find it is not.

21 DR. BARD: It should be in this Roman Numeral.

1 MR. POWER: It is not included simply because
2 it is not finished yet.

3 DR. BARD: I see. It does belong in
4 Roman Numeral I in this area?

5 MR. POWER: Yes, in this immediate area.

6 THE CHAIRMAN: Is it contemplated simply that
7 it be a provision that the Lieutenant Governor would
8 succeed or something more than this?

9 MR. POWER: As I say, it is not finished.
10 This is one of the problems that we are thinking about.
11 I suppose the most difficult problem I see here is
12 to what extent the Lieutenant Governor should be
13 Governor when the Governor is out of the state. Again
14 we haven't really resolved that, but that is certainly
15 something we will consider in the same article.

16 DR. BARD: I just felt too that in these times
17 when there are mass catastrophies it would be important
18 to name more than one individual in the line of succes-
19 sion. It would be significant to name a number of
20 individuals in the line of succession.

21 THE CHAIRMAN: But not necessarily in the

1 constitution.

2 DR. BARD: I would like to think about that.
3 This isn't the time now, Mr. Chairman.

4 THE CHAIRMAN: Any further comments on any
5 part of Roman Numeral I of the fourth report? If
6 not, Part 2.

7 JUDGE ADKINS: Part two has here tofore been
8 presented to and approved by the Commission. It simply
9 states that the Governor may inform the General Assembly
10 of the conditions of the state and recommend measures
11 he considers necessary or desirable.

12 MRS. FREEDLANDER: Mr. Chairman, I would like
13 to speak to this. I don't want to get involved in
14 semantics, Mr. Chairman, but I think the phrase, of the
15 conditions of the state, is not necessary.

16 It could be rephrased, the Governor may
17 address the General Assembly and recommend measures, or
18 something of that nature, because a Governor could inform
19 the General Assembly of a declaration of war, which would
20 not be a condition of the state but would be a condition
21 of the nation. Rather than limit it, I would like it to

1 be phrased somewhat, may address or may report to the
2 General Assembly and recommend measures he considers
3 necessary or desirable.

4 THE CHAIRMAN: Judge Adkins?

5 JUDGE ADKINS: We would be happy if we said
6 may inform or address.

7 MRS. FREEDLANDER: I don't know if we need
8 both words, may address the General Assembly.

9 MRS. BOTHE: It is the present language
10 without the "shall".

11 JUDGE ADKINS: I don't know that we have
12 any particular pride of authorship. Our feeling was the
13 Governor would inform the General Assembly of conditions
14 of the state. I think if it were a declaration of war
15 the Legislators would be informed by the Associated
16 Press, not by the president or the Governor, but we
17 have -- this is not a point on which we are adamant.
18 Isn't that true?

19 MR. POWER: Yes. This language is merely the
20 traditional language with some stylistic changes.

21 THE CHAIRMAN: And is the language of the

1 present Constitution?

2 MR. POWER: Basically, yes.

3 MR. BOND: No. It is permissive, not mandatory.

4 JUDGE ADKINS: That is right, the conditions
5 of the state.

6 MR. BOND: Yes, that is right, but this is
7 permissive.

8 JUDGE ADKINS: (a) is not meridatory.

9 THE CHAIRMAN: Any further questions or
10 comments as to this section? If not, we will move to the
11 next section.

12 JUDGE ADKINS: I suggest, Mr. Chairman,
13 the next section is probably unnecessary, in view of
14 language in the judiciary department --

15 THE CHAIRMAN: Legislative you mean.

16 JUDGE ADKINS: I mean legislative recommenda-
17 tions. Where it properly fits I am not sure. This may
18 be a question for Dr. Burdette. They have recommended
19 at some point that the Governor shall have the right to
20 call the Legislature in special session for the same
21 thing. The only difference is it is Section 8 of Page

1 7 of their report. The only difference is we have
2 recommended he have the right to convene the General
3 Assembly or Senate alone, if a bicameral Legislature
4 is adopted. The only possible justification of that
5 that we can see is there might be some appointment to
6 be confirmed or some impeachment to be acted on or some-
7 thing of that sort.

8 THE CHAIRMAN: Dr. Bard.

9 DR. BARD: I don't see this as contradictory
10 to the concept of the legislative session as a continuing
11 body, which is what we are going to recommend later
12 today. I merely want to call your attention to the
13 fact that I don't see it as contradictory. I think it
14 is still in order, if anybody else does.

15 THE CHAIRMAN: But not necessarily to have
16 it on both places.

17 JUDGE ADKINS: Not necessary in both places.

18 THE CHAIRMAN: Mr. Martineau?

19 MR. MARTINEAU: Is there any special reason
20 for the use of the language on extraordinary changes?

21 JUDGE ADKINS: We just thought it was rich

1 and sounded good.

2 THE CHAIRMAN: Dr. Winslow.

3 DR. WINSLOW: Is it the intent of this
4 article to restrict the General Assembly to those pur-
5 poses enunciated by the Governor?

6 JUDGE ADKINS: I might speak to that, Mr.
7 Chairman. Our original draft so provided, Doctor. It
8 so provided until such time as we saw the Commission's
9 action with regard to the continuing session. Frankly,
10 some of us, without very much research on the problem,
11 felt that if there was a continuing session concept,
12 the Governor could not prescribe measures to be acted
13 on under special call, since if the Legislature convened
14 at his call they would still be a completely plenary
15 body and have all the rights that they would have other-
16 wise, so it would be a nullity. That is the reason we
17 dropped it. We preferred that concept. We dropped it
18 in view of the action of the Commission on the recommen-
19 dation of the Legislature Department.

20 MR. MILLER: I think that is sound.

21 THE CHAIRMAN: Mr. Bond?

1 MR. BOND: Never mind.

2 THE CHAIRMAN: Anything further?

3 MR. CASE: Through sheer ignorance, may I ask
4 whether or not the Commission has gone on record as
5 adopting a plan of continuous legislative session?

6 THE CHAIRMAN: That is the recommendation of
7 the Committee, which will come up for consideration
8 later in this session.

9 MR. CASE: But the Commission has not acted
10 on it?

11 JUDGE ADKINS: They acted on it at the June
12 20 meeting.

13 DR. BARD: We voted in that direction. We
14 did take a vote on it. It comes up again today.

15 THE CHAIRMAN: It is in the report that is
16 up for consideration at this meeting. I don't recall,
17 Dr. Bard, was that one of the matters that we did get to
18 on the last report?

19 DR. BARD: Yes, one that we did and we voted
20 affirmatively, but there will be another opportunity,
21 Mr. Chairman, to review it.

1 MR. CASE: You have got a motion to review
2 the vote right here.

3 THE CHAIRMAN: Any further comment on this
4 section?

5 MR. SCANLAN: I am not clear. Is this
6 section going to stay in?

7 THE CHAIRMAN: I would like to suggest that
8 we do this.

9 I think it is going to be unnecessary that
10 it be in twice. I think a little thought ought to be
11 given as to whether it stylistically will fit better
12 with the Executive Department or the Legislative.
13 If you will leave that to the Coordinating Committee or
14 the Committee on Style, we can work it out later. It
15 is not necessary to be both places.

16 JUDGE ADKINS: I would like to add one further
17 thing. If by chance the Commission should reconsider the
18 vote by which it adopted the continuous session concept,
19 we might like to reconsider whether or not we would
20 recommend limiting special cause to the business prescribed
21 by the Governor.

1 THE CHAIRMAN: All right. Let's consider
2 this section as held over until we consider that part
3 of the recommendation of the Committee to the Legislative
4 Department.

5 JUDGE ADKINS: That brings us then to Roman III.
6 This has also been acted on by the Commission
7 in principle.

8 The Governor shall have power to grant reprieves
9 and pardons, except in cases of impeachment, and to
10 remit fines and forfeitures for offenses against the
11 State. He shall periodically notify the General Assembly
12 of the instances of the exercise of this power.

13 This is not unlike the present Constitution.
14 It does, however, obviate the requirement for public
15 notice, et cetera. We do, however, consider that the
16 power should be exercised, that exercise of power should
17 be brought to the attention of the General Assembly in
18 some formal manner.

19 THE CHAIRMAN: Any questions?

20 MR. HARGROVE: Does he have the right to with-
21 draw pardons? The question just arose?

1 THE CHAIRMAN: What was the question?

2 MR. HARGROVE: Does he have the power to
3 withdraw pardon once granted? Should that be in?

4 THE CHAIRMAN: I don't see how he could.
5 Wouldn't that amount in effect to a new conviction by
6 executive act?

7 MR. CASE: Sure it would.

8 MR. MILLER: It would have to be done by
9 a court on account of fraud.

10 MR. CASE: He is over the fellow's head from
11 then on.

12 MRS. BOTHE: I am a little mystified about
13 what it means, periodically notify the General Assembly.

14 JUDGE ADKINS: We intended it be left in
15 just that fashion.

16 MRS. BOTHE: The present provision to
17 advertise it in the newspaper at least has the stamp of
18 approval.

19 JUDGE ADKINS: We didn't want to spellout
20 in detail the precise method. We didn't feel that was
21 required. We felt the exercise of pardon power was

1 sufficient for normal protection against abuse.. We
2 did feel there should be some requirement that a formal
3 record be kept of the exercise by somebody other than
4 the Governor's office.

5 We felt if we put this general language
6 in, if it worked out maybe once a year, he would send a
7 message to the presiding officer of both Houses to be
8 read across the desk and that would be it. At least it
9 wouldn't permit the cloak of secrecy.

10 MR. MILLER: Would adding annually --

11 MR. SAYRE: At least annually.

12 MR. MILLER: Would that hurt?

13 JUDGE ADKINS: I think that might be a worth-
14 while suggestion, at least annually, rather than periodically

15 THE CHAIRMAN: Any further comments?

16 DR. TEMPLETON: What about Mr. Hargrove's
17 question about withdrawing pardon?

18 THE CHAIRMAN: I don't know that there was a
19 precise answer. I suggested that this might amount to
20 a conviction by executive act. I don't know whether it
21 would. It may or it may not.

1 MRS. BOTHE: Could I suggest perhaps that
2 the notice go to the court, to the Court of
3 Appeals or administrative officer of the court or some
4 judicial, quasi judicial agency? For instance, if I
5 want to know if a pardon has been granted or what action
6 has been taken, I would like to be able to go to some
7 place, perhaps not the Governor's office, and have a
8 record there to be informed by. This provision is
9 so meaningless.

10 JUDGE ADKINS: Dick Case points out if this
11 were followed it would become a part of the Senate or
12 House journal but more than that, I don't know the
13 routine but if a man is pardoned, isn't it normally
14 entered on the docket in the case in which he was
15 convicted?

16 THE CHAIRMAN: Certainly the official public
17 record would be the receipt of the message which would
18 appear in the journals of the two Houses.

19 JUDGE ADKINS: That is right. It would go
20 across the reading desk and become a part of the journal.

21 MRS. BOTHE: I don't even know that pardons

1 do appear in the docket of the case. It would be very
2 helpful if they did.

3 THE CHAIRMAN: Isn't that a matter that you
4 could cover by statute rather than by the constitution?

5 MRS. BOTHE: Yes. I thought if you were going
6 to have a constitutional provision on this subject, I
7 am not sure there should be one since it is so useless,
8 that this ought to be more workable.

9 MR. HARGROVE: My question goes --

10 THE CHAIRMAN: I will come back to that.
11 Did you want to make any further comment?

12 MRS. BOTHE: I just don't like to see
13 sentences without meaning.

14 THE CHAIRMAN: Why doesn't it have meaning?

15 MRS. BOTHE: There is no restriction on how
16 often he has to tell the General Assembly.

17 THE CHAIRMAN: Yes, there has been an amendment
18 to say he shall at least annually notify.

19 MRS. BOTHE: Actually I would as soon not
20 see it at all, to shorten the constitution by one sentence.

21 THE CHAIRMAN: Do you want to make a motion?

1 MRS. BOTHE: There is a motion on the floor.
2 I move the deletion of the last sentence.

3 MR. SCANLAN: I second.

4 THE CHAIRMAN: Any discussion?

5 MR. CASE: I am not sure.

6 DR. JENKINS: How then would the public know
7 of any possible abuse of the pardoning powers? How
8 would this get in the press, in other words?

9 MRS. BOTHE: The press right now doesn't have
10 any particular right but it seems to find out.

11 DR. JENKINS: I think it should find out.

12 MRS. BOTHE: I do too. I don't think it
13 is a constitutional problem.

14 DR. JENKINS: It seems to me the provision
15 you would eliminate does guarantee at least annually
16 this matter comes up.

17 THE CHAIRMAN: Any further discussion? Mr. Bond.

18 MR. BOND: I would like to point out the
19 present provision, Section 20, Article 2, the Governor
20 could put all his pardons in some small county newspaper
21 and you would never be able to find them. This way at

1 least there would be a journal in Annapolis.

2 MR. CASE: The journal is in every law library
3 in the State that subscribes to the journal. It seems
4 to me this is a very sane sort of provision. It does
5 give the publicity that Mrs. Bothe is talking about.
6 It is a lot easier to go to the journal in your own
7 library than it is to go tramping around to Clerks of
8 Courts all over the State.

9 THE CHAIRMAN: Am I not correct all messages
10 received from the Governor by either House are received
11 an announced publicly?

12 JUDGE ADKINS: They are read across the
13 reading desk.

14 THE CHAIRMAN: Any further discussion of
15 this section? Are you ready for the question?

16 MR. CASE: What is it?

17 THE CHAIRMAN: The question arises on the
18 deletion of the sentence, he shall at least annually
19 notify the General Assembly of the instances of the
20 exercises of this power. A vote ^{aye} / would delete the sentence.
21 Are you ready for the question?

1 ~~DR. BARD:~~ All those in favor signify by saying
2 aye. Opposed. The sentence remains.

3 Can we come back to Mr. Hargrove's question?
4 Would you amplify it a little, please?

5 MR. HARGROVE: The question, this provision
6 gives the Governor -- this is part of the blanket power
7 to grant reprieves and pardons, whereas the present
8 Constitution places somewhat a restriction on him so
9 far as notice to anyone who might be interested. It is
10 apparently a safeguard. We don't have it here except that
11 he shall periodically report it and, of course, it
12 is all over at that point. Is the purpose of this
13 provision to just give him carte blanc authority to grant
14 reprieves and pardons or remit fines and penalties and
15 that is all?

16 THE CHAIRMAN: Judge Adkins?

17 JUDGE ADKINS: I think the answer to that
18 is we felt the power of executive clemency was a purely
19 personal power by the Governor and should be exercised
20 by him as a personal power. It should not be in any
21 sense delegated to a board of review or to any other

1 group. Now this is not entirely responsive to your
2 question as I understand your question because in the
3 present Constitution there are certain requirements
4 for notice and notification. We have felt that in any
5 reasonable organization, the general routine that is now
6 followed would continue to be followed without the
7 necessity of having a constitutional requirement.

8 MR. MINDEL: As a practical matter, the Governor
9 refers these requests to the Parole Commission. I think
10 that is done regularly.

11 JUDGE ADKINS: I think our feeling was, Mr.
12 Hargrove, that it would be very unlikely that any
13 Governor would exercise the executive clemency without
14 first having consulted with everybody who had any reasonable
15 interest in it without the necessity of having a
16 constitutional provision.

17 THE CHAIRMAN: Dr. Templeton, did you have
18 any further question on this subject?

19 DR. TEMPLETON: No. I wondered why Mr. Hargrove
20 didn't consider the original question. Are you with-
21 drawing that question?

1 MR. HARGROVE: I am assuming the job is going
2 to be very satisfactorily done through the provisions.
3 I will withdraw the question. If it is done properly,
4 it is not necessary but we had an instance very recently
5 where this question arose and no one has an answer now,
6 today.

7 THE CHAIRMAN: As to --

8 MR. HARGROVE: As to withdrawal of a pardon.
9 I think the Attorney General's office is wrestling with
10 the very thing today. They don't have the answer.

11 MR. MILLER: I am not an Attorney General
12 but it would seem to me just plain hard book law that
13 once a pardon is granted, unless there is fraud or it
14 is nullified by court action, it is done. Now it is
15 like divorces or anything else. If there is some fraud
16 I think a court could probably nullify it but the Governor
17 certainly couldn't on a whim say I have changed my mind.
18 Do you think so, sir?

19 THE CHAIRMAN: I wouldn't think so.

20 DR. TEMPLETON: That is all.

21 THE CHAIRMAN: Any further discussion?

1 DR. BARD: On the whole paper, is that in
2 order?

3 THE CHAIRMAN: Anything further on Part III
4 first? If not, any further comment on any part of the
5 fourth report?

6 DR. BARD: Yes. I would like to ask Judge
7 Adkins a question about the matter of the Governor's
8 veto power. It may well be he is going to leave that
9 to the Legislative Department to incorporate it at the
10 time of discussion of the order of bills, et cetera. Can
11 you elaborate, Judge, on why that was left out this
12 time?

13 JUDGE ADKINS: Yes. It is left out because
14 we can't write that until your Committee decides exactly
15 what it is going to do with regard to continuing or
16 noncontinuing session. We have had three separate
17 provisions and each time we have had to change. As a
18 result of the last, we had a draft prepared on the veto
19 power, which was related to the concept of a session of
20 limited duration. Now at the last Commission meeting,
21 the continuous session concept was considered and approved

1 so we have been in the process of redrafting that and
2 that makes a rather difficult drafting problem. That is
3 the only reason. If you want to undertake to draft it
4 in view of your concept of continuing legislature, I think
5 we would be happy to concede jurisdiction, Mr. Chairman.

6 DR. BARD: You are gradually attempting to
7 create some change in position. We are not changing our
8 position. That answers it, Mr. Chairman.

9 THE CHAIRMAN: Any further comments on any
10 part of this report?

11 DR. TEMPLETON: May I ask a question, a
12 little belated? Can we go back to No. II concerning
13 the appearance before the Assembly? We are speaking here
14 about making the Governor a real executive power and
15 yet the provisions we have here from the standpoint of
16 language is permissive and I was wondering is this a
17 matter of early stage, not final language, or whether
18 it is the intent of the Commission that the Governor,
19 despite his executive strengths, shall not have the
20 responsibility of addressing the Assembly on the state
21 of the State? I am a little puzzled as to what is our

1 intent and as to the meaning of the language. It is a
2 matter of clarification, that is all.

3 JUDGE ADKINS: I think our concept was that
4 it was permissive. We can't conceive that the Governor
5 won't. We didn't see much to be gained by making it
6 mandatory but again I don't think this is a question on
7 which we are adamant.

8 THE CHAIRMAN: Any further question on it,
9 Dr. Templeton?

10 DR. TEMPLETON: I will hold up, sir. I would
11 like to reserve the right to raise the question again.

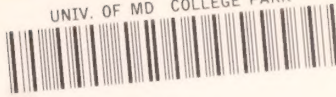
12 THE CHAIRMAN: All right. Any further comment
13 on the fourth report? If not, that will conclude
14 reference to the fourth report.

15 We have a few matters of detail.

16 (The Commission recessed at 5 p.m. until
17 7:30 p.m.)

18 -----
19
20
21

UNIV. OF MD COLLEGE PARK



3 1430 03339888 6



JUN 68



N. MANCHESTER,
INDIANA

